

of their rapt attention, rather than in their rounds of thunderous applause.

His service in the Senate of the United States came at a time when his ability, character, characteristics, and his intellectual attainments and habits gave to him peculiar fitness to meet the exact duties that were immediately cast upon him. So long as his physical strength would permit he was a trusted and safe adviser to the President in the decision of those first questions growing out of our foreign complications, the correct decision of which has made possible the correct and unimpeachable record which the President has made in the establishment and maintenance of his foreign policy.

To us his death seemed untimely and his brethren can not but mourn. And yet it is not for us to judge of the times and the seasons. We can not know what his full mission was or when he had completed his allotted task. We only know that his ability was great, his attainments were high, he was faithful to every trust, and rendered a public service worthy of the great man he truly was.

His character, attainments, record, and high achievements make it impossible to write the history of his State or country without paying homage to his name. To wife, daughter, and sons he left a precious heritage of blessed memories and of public honors and gratitude the value and consolation of which they alone can ever know.

We who have known him best and to whom his friendship was dearest and most helpful shall ever think of him as one of the greatest of the great men Indiana has given to our national life.

The SPEAKER pro tempore. According to the terms of the resolution heretofore adopted, the House will now stand adjourned.

Thereupon (at 3 o'clock p. m.) the House adjourned until to-morrow, Monday, February 19, 1917, at 12 o'clock noon.

SENATE.

MONDAY, February 19, 1917.

The Senate met at 10.30 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee for guidance and blessing as we are engaged in a great struggle for the supremacy of the truth. We know that the truth in its highest form can only emerge from human struggle; that out of the testing of character, out of the conflict of opinion, out of the clash of interest, there must come the establishment of those lines of right relationship between men, truth in its highest and divinest form. We pray Thee to guide us this day that we may have the light of Thy holy Spirit in our hearts and the light of Thy holy word upon our path, that we may follow the light as God leads us, to accomplish the supremacy of the truth. For Christ's sake. Amen.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Smith, S. C.
Beckham	Hughes	O'Gorman	Smoot
Brady	Johnson, Me.	Overman	Sterling
Brandeggee	Johnson, S. Dak.	Page	Swanson
Bryan	Jones	Penrose	Thomas
Chamberlain	Kenyon	Pittman	Thompson
Clapp	Kirby	Ransdell	Tillman
Cole	La Follette	Robinson	Vardaman
Cummins	Lane	Shafroth	Walsh
Curtis	Lodge	Sheppard	Watson
Dillingham	McCumber	Sherman	Williams
Fernald	Martin, Va.	Simmons	Works
Fletcher	Martine, N. J.	Smith, Ga.	
Gallinger	Myers	Smith, Md.	
Gronna	Nelson	Smith, Mich.	

Mr. HUGHES. I desire to announce the absence of the senior Senator from Kentucky [Mr. JAMES] on official business.

Mr. VARDAMAN. Mr. President, I have been requested to announce the unavoidable absence of the Senator from Tennessee [Mr. SHIELDS] on account of illness.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present. The Secretary will proceed to read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Wednesday, February 14, 1917, when, on request of Mr. OVERMAN and by unanimous consent,

the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 703. An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure;

S. 6850. An act authorizing transfer of certain retired Army officers to the active list;

S. 7757. An act authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment;

S. 7872. An act to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes;

S. J. Res. 208. Joint resolution to grant citizenship to Joseph Beech;

H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn.;

H. R. 12463. An act for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.;

H. R. 12541. An act authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader;

H. R. 17710. An act authorizing the construction of a bridge across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry; and

H. R. 18529. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.

STATUE OF ADMIRAL DUPONT.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 205) authorizing the removal of the statue of Admiral Dupont in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof, which was, on page 2, line 4, after "complete," to insert:

Provided further, That no greater area in the said Dupont Circle shall be taken for the memorial herein authorized than the small circle now occupied by the statue of Admiral Dupont.

Mr. WILLIAMS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. THOMAS. I have a petition from the Bethel Baptist Church, of Denver, Colo., on the subject of prohibition, which I ask to have printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

DENVER, COLO., February 11, 1917.

To the honorable Senate of the United States of America.

GENTLEMEN: We, the members and friends of the Bethel Baptist Church, of Denver, Colo., respectfully request your honorable body to pass a law to prohibit the manufacture, sale, transportation, importation, and exportation of all alcoholic beverages of every kind and character.

The wonderful effect of prohibition after a trial of one year in Colorado has shown what great results will occur to all parts of the United States should a similar law be in effect. But we in Colorado are cursed with importations of liquors from neighboring States east, south, and north of us. We therefore urge you to pass the law immediately and not wait for an amendment to the Constitution, but deal with the poison

alcohol as your honorable body has dealt with all forms and preparations of opium and morphine. Alcohol is surely a worse narcotic drug than the former, and should be treated in the same manner.

H. H. McCULLOCH, *Chairman.*

Mr. THOMAS. I present a joint memorial of the Legislature of the State of Colorado for the establishment of tactical division of United States Army at Fort Logan, in the State of Colorado, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
OFFICE OF SECRETARY OF STATE,
Denver, Colo., February 15, 1917.

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to transmit herewith a true copy of house joint memorial No. 2, for the "Establishment of tactical division of United States Army at Fort Logan, in State of Colorado," duly passed by the Twenty-first General Assembly of the State of Colorado.

I have the honor, sir, to be,

Very respectfully, yours,

[SEAL.]

JAMES R. NOLAND, *Secretary of State.*

House Joint Memorial 2. (By Mr. Crowley.)

Establishment of tactical division of United States Army at Fort Logan, in the State of Colorado.

To the Hon. WOODROW WILSON,
President, and the Congress of the United States of America:

Your memorialist, the General Assembly of the State of Colorado, respectfully represents that—

Whereas the European war and the rebellion in Mexico have prompted the people of the United States to adopt a public policy of national military preparedness, and to that end emphasized the necessity of providing and establishing ways and means for the proper tactical training of the several groups composing the United States Army and enhancing its speedy and effective mobilization in emergency; and

Whereas the people of the State of Colorado express the belief that the present order would, because of the number of Army posts and their geographical distribution, impede free, speedy, and effective mobilization and concentration of the Army in case of military emergency, and that it should be found expedient to reorganize and unite the scattered posts into tactical groups composed of detachments of all arms, stationing each group in the vicinity of a strategic center affording adequate facilities for administration, distribution, and supply; and

Whereas there is located at Fort Logan, in the State of Colorado, one of the regularly established posts of the Army, which has unusual and unlimited advantages for tactical training in drill, field, and mountain maneuvers and Army discipline; and

Whereas Fort Logan is admirably well situated to fulfill all requirements for the proper military training of men and the administration, transportation, and supply of a large Army post, and its speedy and effective mobilization and concentration on either frontier or seaboard by direct connections through the city of Denver, about 10 miles distant, with all principal railroad lines of the central and western parts of the United States; Fort Logan has extensive railroad sidetracking, and at all times a large available supply of rolling stock, making it practical to immediately entrain for transportation great numbers of soldiers and equipment, there being a station at the post and three loading points within a few miles; Fort Logan is so situated that its quartermaster's department could be as economically supplied as anywhere in the United States and at lower rates than at most of the existing posts; Fort Logan lies on a vast expanse of upland close to mountains at an altitude of approximately one mile above sea level, enjoys an adequate supply of excellent waters, and an abundance of sunshine, and, because of these and many other advantages, it is an ideal site for the training of large numbers of men for military service in sanitation and wholesome environment.

Wherefore your memorialist respectfully advises, recommends, and requests that a measure be passed by your honorable body establishing at Fort Logan a full tactical division of the United States Army, with proper proportion of cavalry, field artillery, and special troops.

It is directed that this memorial be enrolled and that one copy be sent to the President of the United States, one to the chairman of the Committee on Military Affairs of the House of Representatives, one to the chairman of the Committee on Military Affairs of the Senate, one to the Secretary of War, and one to each of the members representing the State of Colorado in the Senate and House of Representatives and in Congress now assembled; and

That the Twenty-first General Assembly of the State of Colorado, now in session, urgently request our Senators and Representatives in Congress to use all honorable means to establish at Fort Logan a full tactical division of the United States Army, in conformity with the spirit and terms of this resolution.

BEAN BEST,

Speaker of the House of Representatives.

Attest:

JAMES A. PULLIAM,
President of the Senate,
JULIUS C. GUNTER,
Governor of the State of Colorado.

Approved February 15, 1917, at 12.15 p. m.

Mr. THOMPSON. I present a resolution passed by the House of Representatives of the Legislature of Kansas, indorsing the position of the President of the United States and his foreign policy in relation to Germany. I ask that this copy may be printed in the RECORD. The senate of that body has passed a similar resolution.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

House resolution 24. (By Mr. Thompson, of Morton County.)

Whereas telegraphic news has been received that the United States Government has broken diplomatic relations with the Imperial Government of Germany on account of its announced submarine policy in violation of pledges given to the United States Government: Therefore be it

Resolved by the House of Representatives of Kansas this 3d day of February, 1917, the Senate not in session, That the speaker of the house be directed to send a message to the President of the United States and to the President of the Senate and the Speaker of the House of Representatives, expressing confidence in the President and Congress, and pledging support of the State to the full extent it may be necessary to call upon it in this grave crisis.

W. A. LAYTON,
Speaker Pro Tempore.
CLARENCE W. MILLER,
Chief Clerk.

Mr. SMITH of Michigan. I have a resolution passed by the Common Council of the City of Grand Rapids, Mich., which I send to the desk and ask to have printed in the RECORD for the information of Senators. I do not care to have it read.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

GRAND RAPIDS, MICH., February 15, 1917.

Hon. WILLIAM ALDEN SMITH,
Senator from Michigan, Washington, D. C.

DEAR SIR: Inclosed find copy of the action of the common council of this city, which was ordered transmitted to you.

Very truly, yours,

JAMES SCHRIEVER, *City Clerk.*

(By Alderman Quinlan.)

Whereas from conditions at present it is becoming difficult for the residents of the city to purchase coal; and Whereas many people are unable to purchase a sufficient amount of fuel to keep their families from suffering; and Whereas conditions are becoming critical: Now, therefore be it

Resolved, That the city clerk be instructed to communicate with our Representatives in Washington, requesting them to use their influence toward relieving the condition, which seems to be beyond the control of the local authorities.

Adopted.

I hereby certify that the foregoing is a true transcript of the action of the common council of the city of Grand Rapids in public session held February 13, 1917.

JAMES SCHRIEVER, *City Clerk.*

Mr. SMITH of Michigan. I present a telegram from the president of the Board of Commerce of Detroit, Mich., which I ask to have read.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DETROIT, MICH., February 17, 1917.

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

At a meeting of board of directors of Detroit Board of Commerce yesterday, the following resolution was unanimously adopted:

"Whereas House bill 17606 has recently been introduced, which bill amends the Federal reserve act by providing reinstatement of exchange charges on country checks; and

"Whereas the board of directors of the Detroit Board of Commerce believes that the clearing of checks under the old system was a serious disadvantage to the business men of this country; and

"Whereas we believe that provision of the Federal reserve act which makes possible collection of country checks at amount approximating the actual cost of the transaction has removed the burden which should never have been imposed on business and industry of this country: And therefore be it

Resolved, That the board of directors of the Detroit Board of Commerce are opposed to the amendment to the Federal reserve act incorporated in House bill 17606, which provides for the reinstatement of exchange charges on country checks appreciate your careful consideration of this bill, which, if passed, will impose upon the business of this country an unwarranted tax."

EDWIN DENBY,

President Detroit Board of Trade and Commerce.

Mr. SMITH of Michigan. I present a telegram from the secretary of the Detroit Chamber of Commerce, referring to a referendum of the membership of that board on the question of universal military training and service. The referendum covers about 1,805 ballots. Fourteen hundred and eighty-five of them were in favor of military training and service and 288 were opposed to it. I ask that the telegram be printed in the RECORD without reading.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DETROIT, MICH., February 17, 1917.

WM. ALDEN SMITH,
United States Senate, Washington, D. C.:

A referendum of the membership of the Detroit Board of Commerce on "Shall universal military training and service be adopted in the United States?" closed at noon to-day. There was a total of 1,805 ballots cast, 1,485 in favor of universal military training and service, an additional 32 in favor with qualifications, and 288 opposed to universal military training and service.

Sincerely,

WALTER C. COLE,
Secretary Detroit Board of Commerce.

Mr. LODGE. I present a telegram from the Lumber Dealers' Association of Massachusetts, in session at Worcester, in support of the President, which I ask may be printed in the RECORD without reading.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WORCESTER, MASS., February 17, 1917.

Senator HENRY CABOT LODGE,
Washington, D. C.:

View of the present international complications, hereby pledge our unflinching loyalty to the President and Government of the United States and the fullest support possible of all measures of offense and defense which it is deemed warranted to take for the protection of the lives, property, and liberty of all American citizens and the maintenance of the country's national dignity and honor before the nations of the world.

Resolved, That a copy of this resolution be telegraphed to President Wilson and Senators HENRY CABOT LODGE and JOHN W. WEEKS.

DONALD TULLOCH,
Secretary the Lumber Dealers of Massachusetts,
Now in Session in Worcester, Mass.

Mr. JONES. I present a joint memorial adopted by the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 5 of the fifteenth session of the Legislature of the State of Washington with the original copy of said memorial as enrolled now on file in this office, and find the same to be a full, true, and correct copy of said original and of the whole thereof, together with all official indorsements thereon. In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia this 1st day of February, A. D. 1917.

[SEAL.]

I. M. HOWELL,
Secretary of State.

Senate joint memorial 5.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, respectfully represent that—

Whereas Mr. ALBERT JOHNSON, Congressman of the third congressional district of the State of Washington, has introduced in the House of Representatives of the United States Congress a bill to provide for the construction of a military highway along the north bank of the Columbia River connecting Forts Vancouver and Canby, in the State of Washington:

Now, therefore, your memorialists, in the name of and for the people of the State of Washington and speaking in behalf of the State of Washington, earnestly and respectfully petition and urge the passage of said bill by your honorable bodies.

The secretary of state is hereby directed to transmit a copy of this memorial to the presiding officers of the United States Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives in Congress from the State of Washington.

And your memorialists will ever pray.

Passed the senate January 23, 1917.

LOUIS F. HART,
President of the Senate.

Passed the house January 29, 1917.

GUY E. KELLY,
Speaker of the House.

(Indorsed.)

STATE OF WASHINGTON, ss:

Filed in the office of the secretary of State January 31, 2.56 p. m.
J. GRANT HINKLE,
Assistant Secretary of State.

Mr. JONES. I present a joint memorial adopted by the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 6, of the fifteenth session of the Legislature of the State of Washington, with the original copy of said memorial as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia this 1st day of February, A. D. 1917.

[SEAL.]

I. M. HOWELL,
Secretary of State.

Senate joint memorial 6.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, respectfully represent that—

Whereas the people of the Pacific Coast States urgently request the building and maintaining of a military highway along the Pacific coast from the Canadian border to the Mexican border for military necessities and defense, such as supplying coast forts with guns and ammunition, the handling of artillery, ammunition, and mobilizing troops in the event of an invasion, and all other incidents appertaining thereto;

Wherefore your memorialists, the Senate and House of Representatives of the State of Washington, earnestly petition and urge your honorable bodies that provisions be made for the building and maintaining of such military roads.

The secretary of state is hereby directed to transmit a copy of this memorial to the presiding officer of the United States Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives in Congress from the State of Washington.

And your memorialists will ever pray.

Passed the senate January 23, 1917.

LOUIS F. HART,
President of the Senate.

Passed the house January 29, 1917.

GUY E. KELLY,
Speaker of the House.

(Indorsed.)

STATE OF WASHINGTON, ss:

Filed in the office of secretary of state January 31, 2.57 p. m.
J. GRANT HINKLE,
Assistant Secretary of State.

Mr. JONES. I present a joint memorial adopted by the State Legislature of Washington relating to the expenses the State of Washington was put to in connection with sending the National Guard to the Mexican border. I ask that the memorial be printed in the RECORD and referred to the Committee on Claims.

There being no objection, the memorial was referred to the Committee on Claims and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 4 of the fifteenth session of the Legislature of the State of Washington, with the original copy of said memorial, as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia, this 1st day of February, A. D. 1917.

[SEAL.]

I. M. HOWELL,
Secretary of State.

Senate joint memorial 4.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition as follows:

Whereas on the 18th day of June, 1916, the President of the United States ordered into the service of the United States a large portion of the National Guard of the United States, including the Second Regiment of Infantry, Troop B Cavalry, Field Company A Signal Corps, and certain officers and enlisted men of the medical department of the National Guard of Washington; and

Whereas in compliance with said order it became necessary immediately to recruit such organizations from their authorized peace strength to their authorized maximum war strength, thereby requiring the State of Washington to order on duty a number of officers and enlisted men not included in the President's order, to increase the number of civilian employees of the military department of the State and necessarily to incur and pay on account thereof the sum of \$2,612.60; and

Whereas such expenses were incurred and paid by the State of Washington for the benefit and on behalf of the United States: Now, therefore,

Your memorialists, in the name of and in behalf of the State of Washington, earnestly and respectfully petition and urge that an appropriation be made forthwith by Congress to reimburse the State of Washington for said expenditures.

The secretary of state is hereby directed immediately to send certified copies of this memorial to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the honorable the Secretary of War of the United States, and to each Senator and Representative in Congress from this State.

And the memorialists will ever pray.

Passed the senate January 19, 1917.

LOUIS F. HART,
President of the Senate.

Passed the house January 29, 1917.

GUY E. KELLY,
Speaker of the House.

(Indorsed.)

STATE OF WASHINGTON, ss:

Filed in the office of secretary of state, January 31, 1917, 2.56 p. m.
J. GRANT HINKLE,
Assistant Secretary of State.

Mr. McCUMBER. I present a large number of petitions from citizens of Wishek, Napoleon, Hebron, and Danzig, all in the State of North Dakota, asking that all questions of war shall first be submitted to a referendum of the people. I ask that they may be received and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, that action will be taken.

Mr. McCUMBER. I present a concurrent resolution adopted by the Legislature of North Dakota, which I ask may be printed in the Record and referred to the Committee on Commerce.

There being no objection, the concurrent resolution was referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

DEPARTMENT OF STATE,
STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby set forth and certify that the following is a true and complete copy of a certain concurrent resolution adopted by the Fifteenth Legislative Assembly of the State of North Dakota, relating to Federal aid for the construction of a wagon bridge over the Missouri river.

[SEAL.]

THOMAS HALL,
Secretary of State.

Concurrent resolution. (Introduced by Mr. King.)

Whereas no permanent wagon bridges have been constructed across the Missouri River between the forty-third parallel and the international boundary line; and
Whereas the development of millions of acres of valuable lands owned by the Federal Government and the State of North Dakota has been, and now is, retarded because of lack of such bridges; and
Whereas transcontinental highways are rapidly developing north of said forty-third parallel; and
Whereas Indian reservation and military reservations are maintained by the Federal Government north of such parallel; and
Whereas bridges are essential to the development of continuous and practicable post roads and military roads; and
Whereas Congress has appropriated funds for the development of national highways across the continent without providing expressly for the building of bridges properly to complete such highways: Therefore be it

Resolved by the Senate of the State of North Dakota (the House of Representatives concurring) That we, the members of the Fifteenth Legislative Assembly of the State of North Dakota, petition Congress to provide Federal aid for the building of one or more wagon bridges across the Missouri River north of the forty-third parallel properly to complete the highways whose building has been already authorized; and be it further

Resolved, That the secretary of state be instructed to send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

Mr. CHILTON. I ask to have printed in the RECORD a telegram in the nature of a petition.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WHEELING, W. VA., February 12, 1917.

Hon. W. E. CHILTON,
United States Senate, Washington, D. C.

We urge that war not be declared without submitting question to referendum vote.

OHIO VALLEY TRADES AND LABOR ASSEMBLY,
F. W. SONDERMAN, Secretary.

Mr. FLETCHER. I have a couple of telegrams which I ask to have printed in the RECORD as samples of numerous others I have received on the same subject.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

JACKSONVILLE, FLA., February 16, 1917.

DUNCAN U. FLETCHER,
Washington, D. C.:

Will you please endeavor to have eliminated from the excess profits tax mutual life insurance? The proposed bill apparently discriminates against the masses.

FRED W. HOTT.

BRATTLEBORO, VT., February 15, 1917.

DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.:

The Holstein-Friesian Association of America, representing 100,000 owners and breeders of dairy cattle, protests against the passage of the amendment proposed by Senator UNDERWOOD raising the tax on oleo and removing all other restrictions, as it would work an irreparable injury to the dairy industry, and we deem the same as in the interests of the packers and cotton growers.

F. L. HOUGHTON, Secretary.

Mr. WORKS. I have here a telegram signed by 37 citizens of Pasadena, Cal., protesting against going to war, which I ask to have printed in the RECORD without the signatures.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PASADENA, CAL., February 17, 1917.

Senator JOHN D. WORKS,
Washington, D. C.

DEAR SIR: We ask that you bring this to President Wilson's attention, commending your attitude. We are plain, hard-working American citizens, not agitators. We think this country should keep out of this

world insanity of war. No belligerent has purposely harmed us. All harm we have suffered has been incidental to the war, which is the climax of murder and all lawlessness. The questions with England in the Civil War and with Mexico were not allowed to drag us into war. Let us retain our sanity now. Not only has our national integrity and independence not been threatened, but not even our national dignity and honor. By all means do not let us be rushed into this war to save the profits of munition manufacturers and those taking our food and selling it at exorbitant prices to the belligerents.

Mr. CHAMBERLAIN. I have received a large number of telegrams from constituents of mine in Oregon, principally from the city of Portland, asking that the mutual life insurance companies be relieved from the excess profits tax as included in the revenue tax bill. I do not care to have them read, but I ask to have them received and properly referred.

The VICE PRESIDENT. The telegrams will lie on the table.

Mr. CHAMBERLAIN. I have also received a telegram in the nature of a memorial from Brattleboro, Vt., remonstrating against the adoption of the so-called Underwood amendment to the revenue bill, which I ask to have received and properly referred.

The VICE PRESIDENT. The telegram will lie on the table.

Mr. GRONNA. I present a concurrent resolution of the Legislature of North Dakota, which I ask may be read.

There being no objection, the concurrent resolution was read, as follows:

DEPARTMENT OF STATE,
STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby set forth and certify that the following is a true and complete copy of a certain concurrent resolution adopted by the Fifteenth Legislative Assembly of the State of North Dakota, relating to Federal aid for the construction of a wagon bridge over the Missouri River.

[SEAL.]

THOMAS HALL, Secretary of State.

Concurrent resolution. (Introduced by Mr. King.)

Whereas no permanent wagon bridges have been constructed across the Missouri River between the forty-third parallel and the international boundary line; and
Whereas the development of millions of acres of valuable lands owned by the Federal Government and the State of North Dakota has been, and now is, retarded because of lack of such bridges; and
Whereas transcontinental highways are rapidly developing north of said forty-third parallel; and
Whereas Indian reservation and military reservations are maintained by the Federal Government north of such parallel; and
Whereas bridges are essential to the development of continuous and practicable post roads and military roads; and
Whereas Congress has appropriated funds for the development of national highways across the continent without providing expressly for the building of bridges properly to complete such highways: Therefore be it

Resolved, By the Senate of the State of North Dakota, the House of Representatives concurring, that we, the members of the Fifteenth Legislative Assembly of the State of North Dakota, petition Congress to provide Federal aid for the building of one or more wagon bridges across the Missouri River north of the forty-third parallel, properly to complete the highways whose building has been already authorized. And be it further

Resolved, That the secretary of state be instructed to send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

Mr. GRONNA presented a telegram in the nature of a petition from Fred Leutz, of Hebron, N. Dak., and a petition of sundry citizens of New Orleans, La., praying that the question of war be submitted to a referendum of the people, which were referred to the Committee on Foreign Relations.

Mr. GRONNA. I presented petitions of sundry citizens of North Dakota asking for national prohibition. I ask that the heading of one of the petitions may be printed in the RECORD.

There being no objection, the petitions were ordered to lie on the table, and the heading of one of the petitions was ordered to be printed in the RECORD, as follows:

Resolution suggested for adoption by churches, young people's societies, clubs, and other organizations, and by public meetings generally. W. C. T. U. speakers are urgently requested to secure from all meetings which they address the adoption of this resolution:

Resolved, That we are in hearty favor of national constitutional prohibition and will do all within our power to secure the adoption of an amendment to the Constitution forever prohibiting the sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States, in accordance with the joint resolution introduced in the United States Senate by Senators MORRIS SHEPPARD and JACOB H. GALLINGER, and in the House by Representatives EDWIN Y. WEBB and ADDISON SMITH.

Mr. GRONNA. I present petitions of sundry citizens of Hebron, N. Dak. I ask that the heading of one of the petitions may be printed in the RECORD and that all of them be referred to the Committee on Foreign Relations.

There being no objection, the petitions were referred to the Committee on Foreign Relations, and the heading of one of them was ordered to be printed in the RECORD, as follows:

HON. A. J. GRONNA,
Washington, D. C.

DEAR SIR: At a mass meeting of the citizens of Hebron and the vicinity the following resolutions were unanimously passed:

"Whereas the United States of America have with profound regret looked upon the useless and insane sacrifices of life and property caused by the European war, which threatens the destruction of all nations involved; and

"Whereas it has always been the intentions of the United States of America to further permanent peace between all nations; and

"Whereas we believe that the majority of the citizens of the United States of America wish and fervently pray that the terrible destruction, loss of life, and misery connected with modern warfare be kept away from our homes: Now, therefore, be it

"Resolved, That the question of war and peace be submitted to a referendum of the people who will be called upon in case of war to carry the main burden."

Mr. NORRIS presented a petition of sundry citizens of Grand Island, Nebr., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Columbus, Nebr., remonstrating against the enactment of proposed legislation for the protection of migratory birds, which was ordered to lie on the table.

Mr. McLEAN presented petitions of sundry citizens of Hartford, New Haven, Derby, and Wallingford, all in the State of Connecticut, praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Greenwich and Hartford, in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

He also presented a memorial of Central Pomona Grange, No. 1, Patrons of Husbandry, of Berlin, Conn., remonstrating against the proposed reduction of the tax on oleomargarine, which was ordered to lie on the table.

Mr. WADSWORTH presented a petition of the congregation of the Fourth Presbyterian Church, of Albany, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a memorial of the Holstein-Friesian Association, of Brattleboro, Vt., remonstrating against the proposed reduction in the tax on oleomargarine, which was ordered to lie on the table.

Mr. TOWNSEND presented petitions of sundry citizens of Bay City, Saginaw, and Grand Rapids, all in the State of Michigan, praying that the United States remain at peace and that the question of war be submitted to a referendum of the people, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Commerce of Bay City, Mich., praying for the enactment of the proposed legislation for the so-called saving of daylight, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Howell, Mich., praying for national prohibition, which was ordered to lie on the table.

Mr. STERLING. I present a number of letters and telegrams in the nature of petitions from Dr. D. C. Bond, of Mitchell; Conrad Korimann and Hans Demuth, of Sioux Falls; L. V. Schneider, F. Tinnenbuerger, Joseph Roelleke, Henry Bruhn, Anton Cook, Henry Hipschman, B. Rotert, Henry Fendrich, Albert Kuhle, Herman Sabs, C. Schmidt, Joseph Drier, B. Weber, and A. Heinz, of Salem; the German-American Society of Elkton; Miss Alice Lorraine Daly, the department of public speaking of the State Normal School, and State chairman of the Woman's Peace Party, of Madison; and from Rev. A. Funck, pastor of the Reformed Church of Tripp, all in the State of South Dakota, praying that the United States remain at peace. I ask that the petitions may be referred to the Committee on Foreign Relations.

THE VICE PRESIDENT. The petitions will be referred to the Committee on Foreign Relations.

Mr. MARTINE of New Jersey. I present a number of telegrams from the States of New Jersey and New York, which I ask to have printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ELIZABETH, N. J., February 14, 1917.

HON. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

Expect you to go to the limit to keep us out of war. No vital interests nor honor at stake. We want peace.

OTTO FROEBEL.

PATERSON, N. J., February 14, 1917.

HON. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

Expect you to do all you can to keep us out of war. Honor not at stake. We want peace.

A. SNYDER.

PATERSON, N. J., February 14, 1917.

HON. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

Expect you to do all you can to keep us out of war. Honor not at stake. We want peace.

GEO. A. SLAGHT.

JERSEY CITY, N. J., February 16, 1917.

HON. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

Do all within your power to keep us out of war. We want peace since our honor is not at stake.

EUGENE PATTERBERG.

JERSEY CITY, N. J., February 16, 1917.

HON. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

Do all within your power to keep us out of war. We want peace since our honor is not at stake.

PHILLIP PATTERBERG.

NEWARK, N. J., February 14, 1917.

HON. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

Expect you to do all you can to keep us out of war. Honor not at stake. We want peace.

R. H. MUELLER.

NEW YORK, N. Y., February 13, 1917.

HON. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

We respectfully enter a protest against passage of legislation affecting second-class mail without opportunity for hearing, and protest against discrimination between newspapers and magazines.

THE AMERICAN HATTER.
THE MILLINERY TRADE REVIEW.
NUGENT'S BULLETIN.

HOBOKEN, N. J., February 14, 1917.

HON. JAMES E. MARTINE,
Washington, D. C.:

Business interests of Hoboken Board of Trade urge you to use your utmost efforts to secure the passage of the Webb bill prior to March 4. Federal Trade Commission advocates it; President strongly indorses it.

HOBOKEN BOARD OF TRADE,
By WYATT.

NEW YORK, N. Y., February 19, 1917.

HON. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

We earnestly urge passage of Webb bill at this session of Congress. Delay will work serious injury to all manufacturing industries.

A. B. DANIELS,
President American Paper and Pulp Association.

PRINCETON, N. J., February 16, 1917.

Senator JAMES MARTINE,
Washington, D. C.:

Vote against Underwood amendment to permit coloring oleomargarine. It will work against the poor.

H. W. JEFFERSON,
Commissioner to Investigate High Cost of Living.

Mr. SHERMAN. I present from one of my constituents a communication selected from a very large number received very recently. The one selected is very brief and I ask that it may be read.

There being no objection, the communication was read, as follows:

URBANA, ILL., February 17, 1917.

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.

DEAR SIR: Inasmuch as I have been approached by the American Union Against Militarism requesting that I participate in a "national referendum on peace or war," directing the card ballot to my "Congressman in Washington," I am herewith inclosing a copy of my opinion of said organization relative to its present action in the matter.

Yours, very respectfully,

JNO. G. THOMPSON.

URBANA, ILL., February 14, 1917.

AMERICAN UNION AGAINST MILITARISM,
Washington, D. C.

GENTLEMEN: Your card with reference to a "national referendum on peace and war" is received. I gather that your members would have been against the War of the American Revolution and against the Declaration of Independence. My first thought was to set you down in my mind as un-American, unpatriotic, and probably unneutral. However, I have decided to be as charitable as possible and to try to believe merely that you are lacking in just ordinary good common sense.

Yours, very truly,

JNO. G. THOMPSON.

Mr. POMERENE. I have a brief letter from Mr. Harry E. Taylor, one of the editors of the Portsmouth Daily Times, of Portsmouth, Ohio, on the subject of the increase in postage rates on second-class matter. The Portsmouth Daily Times is one of the most thriving papers in Ohio; and in view of the great diversity of the views expressed during the past week, I ask that the letter may be read.

There being no objection, the letter was read, as follows:

THE PORTSMOUTH DAILY TIMES,
PORTSMOUTH, OHIO.

DEAR SENATOR: I wish to express my hearty approval of your stand on the matter of newspapers and periodicals paying their way through the Postal Service. We are engaged in a legitimate commercial business and we have no right to ask or expect that the Government shall carry our papers at a loss, as is being done now. I am confident that the great majority of publishers engaged in legitimate business feel about it as I do and are willing to pay their way with the Government or anyone else.

Sincerely,

HARRY E. TAYLOR.

THE LATE ADMIRAL DEWEY.

Mr. OVERMAN. Mr. President, Hon. James C. Dobbin appointed Admiral Dewey to the Navy. Mr. Dobbin was a citizen of North Carolina, and at the time was Secretary of the Navy. The Legislature of the State of North Carolina has adopted a resolution expressing appreciation of the people of that Commonwealth for the services rendered to the country by Admiral Dewey. I ask that the resolution be printed in the RECORD, together with a letter from Mrs. Dewey, the widow of the late lamented admiral, expressing the appreciation that Admiral Dewey had for the present Secretary of the Navy.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

1601 K STREET, February 10, 1917.

Hon. LEE S. OVERMAN,
United States Senator from North Carolina.

DEAR SENATOR: I am sending you a copy of the resolutions adopted by the General Assembly of North Carolina expressing the appreciation of the people of that Commonwealth of the services rendered to his country by my husband, George Dewey, the Admiral of the Navy.

I am grateful for this tribute kindly sent by the secretary of state of North Carolina. My husband had a warm spot in his heart for North Carolinians, particularly for Hon. James C. Dobbin, who was Secretary of the Navy when he entered the Naval Academy, and for the present Secretary of the Navy, Hon. Josephus Daniels, under whose administration he rendered his last service to the Navy and to his country.

In the following letter written in 1913 the admiral expressed his estimate of Mr. Dobbin as Secretary of the Navy:

"ADMIRAL OF THE NAVY,
Navy Department, March 12, 1913.

"DEAR MR. SECRETARY: Referring to our conversation of this morning, it gives me pleasure to restate what I said at that time, that I was appointed an acting midshipman in the Navy in September, 1854, by the Hon. J. C. Dobbin, Secretary of the Navy, a resident of North Carolina. During his administration of the Navy Department we built 18 of the finest ships of their class that there were in the world: Six frigates of the *Wabash* class, six sloops of the *Hartford* class, and six third-class sloops of the *Iroquois* class. In my opinion, Mr. Dobbin was one of the ablest Secretaries of the Navy the country ever had.

"Faithfully, yours,

"GEORGE DEWEY.

"SECRETARY OF THE NAVY,
Navy Department, Washington, D. C."

I wish you, and the people of the country also, to know that my husband felt for the present Secretary of the Navy, Hon. Josephus Daniels, a sincere affection. Only a short time ago the Admiral said, "I have been in the Navy 62 years, and have served under many Secretaries of the Navy, but Secretary Daniels is the best Secretary we have ever had, and has done more for the Navy than any other. I am amazed by his knowledge of technical matters. He has studied profoundly, and his opinion is founded on close observation."

Will you express my profound thanks to the General Assembly of North Carolina? I am, Senator,

Very, truly,
MILDRED McLEAN DEWEY.

Resolution 10—Joint resolution regarding Admiral Dewey.

Whereas there has been called from life unto death Admiral George Dewey, of the United States Navy, the ranking naval officer of the world, a man whose gallantry, bravery, and chivalry gave added glory to the American flag, an officer whose fame is part of the history of our country, his death a loss to the Nation; and

Whereas he was appointed to the United States Naval Academy while Hon. James C. Dobbin, a North Carolinian, was Secretary of the Navy, a matter that has caused North Carolinians to take a greater interest in his career: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That in the death of Admiral George Dewey the United States has lost one of its most distinguished sons, a man whose patriotism and love of country has set an example for all future generations of Americans, his services of the greatest value to this Nation; and further be it

Resolved, That the General Assembly of North Carolina request the Senators and Representatives in Congress of the State of North Carolina to represent North Carolina at the funeral of Admiral Dewey on Saturday, the 20th day of January, 1917; and further be it

Resolved, That the sympathy of the people of North Carolina be tendered to the widow and the bereaved loved ones of Admiral Dewey, a copy of these resolutions to be forwarded to the family; and further be it

Resolved, That this resolution be in force from and after its ratification.

In the general assembly read three times and ratified this the 22d day of January, 1917.

O. MAX GARDNER,
President of the Senate.

WALTER MURPHY,
Speaker of the House of Representatives.

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE,
Raleigh, January 23, 1917.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (two sheets) to be a true copy from the records of this office.

In witness whereof, I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 23d day of January, in the year of our Lord 1917.

J. BRYAN GRIMES,
Secretary of State.

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE,
Raleigh, January 22, 1917.

Hon. JOSEPHUS DANIELS,
Secretary of the Navy, Washington, D. C.

DEAR MR. DANIELS: I am herewith inclosing you a resolution passed by the general assembly, which I am directed to send to the family of Admiral Dewey. As I have not at hand the address of his family, I will appreciate it if you will see that this resolution is presented to them.

With kindest regards and best wishes, I am,

Sincerely,

J. BRYAN GRIMES,
Secretary of State.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, on the 11th of January the Senate adopted an order directing that 500 copies of the House amendment to Senate bill 703, known as the vocational-education bill, be printed for the use of the Senate. It was found unnecessary to have that print made. The bill has been passed, and I ask unanimous consent that the order be rescinded.

The VICE PRESIDENT. Without objection, that action will be taken.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 7952) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, reported it with amendments and submitted a report (No. 1069) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 15999. An act for the relief of Asbury Scrivener (Rept. No. 1067); and

H. R. 19978. An act for the relief of Janna Stoppels (Rept. No. 1068).

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 2744) to correct the military record of Isaac Purnell, reported adversely thereon and the bill was postponed indefinitely.

Mr. BRADY, from the committee on Military Affairs, to which was referred the bill (S. 5529) for the relief of Washington Kellogg, reported it without amendment and submitted a report (No. 1070) thereon.

He also, from the same committee, to which was referred the bill (S. 4008) for the relief of John Fitzgerald, reported adversely thereon and the bill was postponed indefinitely.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (S. 8222) to amend an act to incorporate the National McKinley Birthplace Memorial Association, approved March 4, 1911, reported it with amendments.

Mr. WEEKS, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 13754) for the relief of Charles A. Carey, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. JOHNSON of Maine, from the Committee on Finance, to which was referred the bill (H. R. 10749) amending section 3285 of the Revised Statutes, reported it without amendment and submitted a report (No. 1076) thereon.

CHANGE OF NAME OF STEAMER.

Mr. FLETCHER. From the Committee on Commerce, I report back favorably, without amendment, the bill (S. 8252) to authorize the change of name of the steamer *Charles L. Hutchinson* to *Fayette Brown*, and I submit a report (No. 1075) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the Commissioner of Navigation, upon application of the owner, the Brown Transit Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Charles L. Hutchinson* (official No. 207345) to the *Fayette Brown*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER BRIDGE, TEXAS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 8228) authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index,

Tex., and I submit a report (No. 1072) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 8, before the word "act," to strike out "an" and insert "the," and after the word "six," at the end of line 10, to strike out "and also the act of December 17, 1872, as amended by the act of February 14, 1883," and to strike out the comma and insert a period, so as to make the bill read:

Be it enacted, etc., That the commissioners of the Red River bridge district be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto over the Red River at or near Index, Tex., for railroad and other traffic at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PEARL RIVER BRIDGE, MISSISSIPPI.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 19239) granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the parish of Washington, La., to construct a bridge across Pearl River between Pearl River County, Miss., and Washington Parish, La., and I submit a report (No. 1071) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine. From the Committee on Pensions I submit two favorable reports, with amendments, on House pension bills, and I ask unanimous consent for their present consideration. In explanation of my request I will state that it is made because the time is so short. These bills came from the House, and have been thoroughly considered by the Senate Committee on Pensions, and I should like to have present consideration.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20451) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war (S. Rept. 1073).

The VICE PRESIDENT. The amendments of the committee will be stated.

Mr. OVERMAN. Was unanimous consent given for the consideration of the bill?

The VICE PRESIDENT. It has been given. The Senator from Maine asked for unanimous consent, and there was no objection.

Mr. OVERMAN. It has been given?

The VICE PRESIDENT. It has.

The amendments were, on page 3, to strike out lines 11, 12, 13, and 14, as follows:

The name of Jackson S. Fugate, late of Company E, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 4, line 21, to strike out "\$40" and insert "\$25," so as to read:

The name of Fannie J. B. Kelley, widow of Edward B. P. Kelley, late surgeon Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

On page 5, line 3, to strike out "\$30" and insert "\$24," so as to read:

The name of Martin Waymire, late of Company I, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 5, line 7, to strike out "\$30" and insert "\$24," so as to read:

The name of Michael T. Dwyer, late of Company I, Ninety-third Regiment New York National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 7, line 17, to strike out "\$40" and insert "\$30," so as to read:

The name of Daniel Torpy, late of Company C, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 14, line 5, commencing with the words "And provided further," strike out the remainder of the paragraph down to and including the name "Emma Koontz," in line 10, so as to read:

The name of Emma Koontz, widow of Phillip Koontz, late of Company D, Fortieth Regiment Illinois Volunteer Infantry, and Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Leela Koontz, helpless and dependent child of said Phillip Koontz, the additional pension herein granted shall cease and determine.

On page 15, line 9, to strike out "\$36" and insert "\$30," so as to read:

The name of Newton E. Eldred, late of Company K, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 15, line 13, to strike out "\$36" and insert "\$24," so as to read:

The name of Thomas H. Glenn, late of Company I, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 19, line 2, to strike out "\$30" and insert "\$24," so as to read:

The name of Emergene J. Mitchell, widow of William H. Mitchell, late of Company A, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

On page 20, to strike out lines 5, 6, 7, and 8, as follows:

The name of Clarinda Branch, widow of Levi Branch, late of Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

On page 21, to strike out lines 5, 6, 7, and 8, as follows:

The name of Edgar G. Spald, late of Company B, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 22, to strike out lines 13, 14, and 15, as follows:

The name of John W. Echols, late of Company F, Fifth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month.

On page 23, line 9, to strike out "\$30" and insert "\$24," so as to read:

The name of Ogden C. Lowell, late first-class boy, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 24, line 23, to strike out "Harry W." and insert the name "Joseph," and on page 25, line 2, to strike out "Harry W." and insert the name "Joseph," so as to read:

The name of Margaret I. Reider, widow of Emanuel Reider, late of Company C, Forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$32 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Joseph Reider, helpless and dependent child of said Emanuel Reider, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret I. Reider the name of said Joseph Reider shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the death of said Margaret I. Reider.

On page 26, to strike out lines 22, 23, 24, and 25, as follows:

The name of George C. Wachob, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 27, line 3, to strike out "\$30" and insert "\$24," so as to read:

The name of Robert Walker, late of Company F, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 27, to strike out lines 13, 14, 15, and 16, as follows:

The name of Charlotte M. Eckstine, widow of Robert O. P. Eckstine, late of Company A, Ninth Legion Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

On page 29, to strike out lines 13, 14, 15, and 16, as follows:

The name of Edwin H. Miner, late of Company F, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 29, to strike out lines 21, 22, 23, and 24, as follows:

The name of Charles Michel, late of Company G, Second Battalion, Eleventh Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 32, to strike out lines 11, 12, 13, and 14, as follows:

The name of James T. Rolf, late of Company I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 33, to strike out lines 3, 4, 5, and 6, as follows:

The name of Timothy J. Hurlbut, late of Company C, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 35, line 24, to strike out "\$40" and insert "\$50," so as to read:

The name of James A. Hibbard, late of Company K, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

On page 36, to strike out lines 13, 14, 15, and 16, as follows:

The name of Sarah E. Freed, widow of Henry H. Freed, late of Company D, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

On page 36, to strike out lines 17, 18, 19, and 20, as follows:

The name of Anna Sophia Moldenhauer, former widow of Gottlieb Breitag, late of Company K, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

On page 38, line 9, to strike out "\$40" and insert "\$30," so as to read:

The name of William M. Fultz, late of Company G, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 43, line 16, to strike out "\$30" and insert "\$24," so as to read:

The name of Louisa M. Tobey, widow of Elisha H. Tobey, late of Company G, Tenth Regiment, and Company E, Sixth Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

On page 43, to strike out lines 22, 23, 24, and 25, as follows:

The name of Charles Henry, late of Company I, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 44, to strike out lines 8, 9, 10, and 11, as follows:

The name of Charles W. Everson, late of Company B, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 44, line 18, to strike out "\$36" and insert "\$30," so as to read:

The name of Jacob F. Minch, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 44, to strike out lines 20, 21, 22, and 23, as follows:

The name of Anna Smith, widow of Oscar Smith, late of Company D, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

On page 45, line 5, to strike out "\$36" and insert "\$30," so as to read:

The name of John W. Pence, late of Company A, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 45, line 22, to strike out "\$40" and insert "\$24," so as to read:

The name of George W. Easton, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 46, line 23, to strike out "\$36" and insert "\$24," so as to read:

The name of William Vanatta, late of Company C, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON of Maine. I move that the Senate request a conference with the House on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

Mr. JOHNSON of Maine. From the Committee on Pensions I report back favorably with amendments the bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (S. Rept. 1074).

The VICE PRESIDENT. Without objection, the bill is before the Senate as in Committee of the Whole.

Mr. OVERMAN. Has unanimous consent been given for the present consideration of the bill?

The VICE PRESIDENT. The Chair understands that it has been given.

Mr. OVERMAN. If a Senator can ask unanimous consent to consider three or four bills at the same time, all right.

The VICE PRESIDENT. The amendments of the committee will be stated.

The amendments were:

On page 3, line 3, to strike out, after the word "Louisa," the name "Carey" and insert "Cary, former," so as to read:

The name of Louisa Cary, former widow of Joseph B. Crowley, late of Company B, Third Ohio Volunteer Infantry, War with Mexico, and pay her a pension at the rate of \$20 per month.

On page 4, to strike out lines 1, 2, and 3, as follows:

The name of Fred Craig, late of Company E, Fifth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 5, line 24, to strike out "\$40" and insert "\$50," so as to read:

The name of Russell B. Tripp, late of Company D, Sixteenth Regiment United States Infantry, War with Mexico, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

On page 7, line 1, to strike out "\$17" and insert "\$12," so as to read:

The name of George F. Randall, late of Company M, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

On page 9, to strike out lines 21, 22, 23, and 24, as follows:

The name of Lawrence Hubschman, late of Company A, Twenty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$6 per month.

On page 12, line 6, after the word "steward," to strike out the words "in the," so as to read:

The name of Harriet A. Pearman, widow of William E. Pearman, late hospital steward, United States Navy, Regular Establishment, and pay her a pension at the rate of \$12 per month.

On page 13, to strike out lines 18, 19, and 20, as follows:

The name of Reuben D. Way, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 15, to strike out lines 18, 19, 20, and 21, as follows:

The name of John P. Phillips, late of Capt. Isaac J. Carter's independent company, Florida Mounted Volunteers, Indian wars, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

On page 16, line 21, to strike out "\$17" and insert "\$12," so as to read:

The name of William E. Keels, late of Anderson's battery, South Carolina Volunteer Heavy Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 18, line 22, to strike out "\$12" and insert "\$17," so as to read:

The name of Al. A. Reineck, late of Company K, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

On page 18, to strike out lines 24 and 25, and on page 19, lines 1, 2, 3, and 4, as follows:

The name of Elizabeth Noland, widow of Thomas Noland, late of Company C, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of \$12 per month upon her furnishing the Bureau of Pensions with satisfactory evidence that she is the lawful widow of the said Thomas Noland.

On page 19, to strike out lines 5, 6, and 7, as follows:

The name of Eugene B. Richard, late of Troop E, Third Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 19, line 14, to strike out "\$17" and insert "\$12," so as to read:

The name of Christian S. Lowe, late of Company L, Second Regiment Oregon Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 20, line 13, after the name "Edinger," to strike out "Anna N. Edinger," so as to read:

The name of Florence E. Edinger, widow of Frederick Edinger, late of United States Marine Corps, Regular Establishment, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of the said Frederick Edinger until she reaches the age of 16 years.

On page 20, lines 21 and 22, after "Volunteers," to insert the words "Indian wars," so as to read:

The name of Laura E. Elliott, widow of Benjamin F. Elliott, late of Capt. M. M. Williams's Company D, Recruiting Battalion, Second Regiment Oregon Mounted Volunteers, Indian wars, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

On page 22, to strike out lines 20, 21, and 22, as follows:

The name of Paralee Jackson, widow of William J. Jackson, recruit, unassigned, United States Army, War with Mexico, and pay her a pension at the rate of \$20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON of Maine. I move that the Senate request a conference with the House of Representatives on the bill and amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of South Dakota:

A bill (S. 8276) providing for judicial practice in the Bureau of Indian Affairs; and

(By request.) A bill (S. 8277) providing for qualifications of special examiner in the Bureau of Indian Affairs; to the Committee on Indian Affairs.

By Mr. CHILTON:

A bill (S. 8278) granting an increase of pension to Carrie Burns (with accompanying papers); and

A bill (S. 8279) granting an increase of pension to John S. Kenney (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 8280) granting a pension to Caroline A. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. BECKHAM:

A joint resolution (S. J. Res. 215) to grant citizenship to Henry E. Dosker; to the Committee on Immigration.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment providing that all general officers shall be of the grade of major general, the senior half of whom shall have the pay and allowances of that grade and the junior half the pay and allowances now authorized by law for brigadier generals, which latter grade is hereby abolished, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate \$200,000 for the construction and completion of the United States post office, courthouse, and other Government offices at Paris, Tex., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NEWLANDS submitted an amendment authorizing the Secretary of the Treasury to pay to the Copper River & North western Railway Co. the sum of \$3,102.92 as a refund of gross income tax paid by said company and held by the Treasury Department to have been inequitably and unjustly levied, and so forth, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PHELAN submitted an amendment providing for the establishment of an additional navy yard in San Francisco Bay on such site as may be recommended as most suitable, and so forth, intended to be proposed by him to the Naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. WORKS submitted an amendment authorizing the accounting officers of the Treasury to credit the accounts of certain Army officers, and so forth, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was ordered to lie on the table and be printed.

FUNERAL EXPENSES OF THE LATE ADMIRAL DEWEY.

Mr. LEA of Tennessee submitted the following concurrent resolution (S. Con. Res. 32), which was read, considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the expenses incurred by the committee appointed by the Vice President and the committee appointed by the Speaker of the House of Representatives in arranging for and attending the funeral of the late Admiral George Dewey, in the Rotunda of the Capitol at Washington, D. C. January 20, 1917, be paid in equal proportions from the contingent funds of the Senate and House of Representatives, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives.

INTRACOASTAL WATERWAY.

Mr. HUGHES submitted the following resolution (S. Res. 366), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is hereby directed to furnish for the use of the Senate such information as he can secure as to the measures taken in the State of New Jersey toward carrying into effect a joint resolution adopted by its legislature by which the said State of New Jersey pledged itself to acquire and donate to the Federal Government the right of way for an intracoastal waterway across said State; and be it further

Resolved, That the Secretary of War is directed to secure, prepare, and report to the Senate summaries of reports of Government commissions, officers, and engineers heretofore made, and such facts, information, and opinion of the boards or officers of the Army and Navy as he may deem proper or pertinent as to the advantage or disadvantage, commercial, naval, and military, of the construction by the United States of a public waterway through said right of way across the State of New Jersey.

WOMAN SUFFRAGE.

Mr. CATRON. Mr. President, I have received a statement from the District of Columbia Association Opposed to Woman Suffrage, which I ask to have printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE DISTRICT OF COLUMBIA ASSOCIATION OPPOSED TO WOMAN SUFFRAGE.

Both the Republican and Democratic national platforms of 1916 declared against a United States constitutional amendment granting the franchise to women, and very wisely so; for with an amendment to the Constitution of the United States, 36 States with a population of 41,240,339 could, by their legislatures and without submitting the question to the voters, force woman suffrage on 12 States with a population of 50,731,927. (The States that now have woman suffrage have small populations, the State of Pennsylvania having more women of voting age (census of 1910) than have all the 11 full suffrage States combined.) Why should a minority be permitted to force its will on a majority in this country, and in so doing take away the right of sovereignty that has been recognized as a fundamental right of a State since this Government was formed? Why should our form of government be changed so that 50,000,000 people could be made to bow to the will of 41,000,000? What necessity exists for such a change? Would such a change be in harmony with our boast of democracy? If three-fourths of the States should say to the other one-fourth that women may vote, then they could say that men shall not vote. Or they could say that only negroes shall vote in the South, or that only Chinese or Japanese shall vote in the Pacific Coast States, or that only Indians shall vote in Oklahoma. What, then, becomes of "States rights" or the law of self-preservation? If a State is subject to the control of another distinct government in organic functions, it can only exist at the mercy of that government. No exigency can be shown to exist for demolishing the very foundation of State sovereignty and investing the central government with the power of determining the quality of the electorate, thereby taking from the States the very corner stone of local self-government and without the guaranty of local self-government; this Union could not have been formed.

When the United States Congress once submits a constitutional amendment, it is submitted for all time and can not be revoked. When a State legislature ratifies such an amendment it has no power to recall such ratification; but if a State legislature refuses to ratify the amendment it can at any time change and ratify it. The voter has no voice in the ratification of a United States constitutional amendment, so why adopt such a method when each State can submit the question to its voters, thereby upholding the principle of democracy and States' rights.

Senator Thomas, of Colorado, has said that he concedes woman suffrage has not and maintains that it will not change conditions. We believe we can show that aside from the competition and antagonism engendered between husbands and wives and fathers and daughters and brothers and sisters (which is detrimental to the human race, for human happiness can only exist by harmony between the sexes), that we can prove conclusively that where women vote it is harmful from a practical standpoint, for statistics and election returns show that women, where they have been given the ballot, fail to vote as generally as men, and thereby the will of the majority of all the people is not so well expressed at the ballot box as with men alone voting.

FAILURE OF WOMEN TO VOTE WHEN GIVEN THE BALLOT.

In the six suffrage States of California, Colorado, Wyoming, Utah, Idaho, and Washington—Oregon, Arizona, and Kansas did not adopt woman suffrage till November 5, 1912—the abstract of United States census of 1910, pages 110 and 118, shows there were in April, 1910, 3,170,153 men and women 21 years of age and over, exclusive of Japanese and Chinese. The total vote actually cast for President November 5, 1912, in the then six woman-suffrage States was 1,521,590, or 47.9 per cent of the men and women over 21 years of age, exclusive of Japanese and Chinese, actually voted. In the six adjoining and neighboring States (where there are similar laws regarding voting except as to sex) of Kansas, Nebraska, Oregon, Nevada, South Dakota, and Missouri where men alone voted, the total number of men 21 years of age and over, exclusive of Japanese and Chinese, was (in April, 1910, Abstract of Census, p. 110) 2,295,119; total vote in the six male-suffrage States for President November 5, 1912, 1,587,984; 69.1 per cent of the men over 21 years of age, exclusive of Japanese and Chinese, actually voted, or about 22 per cent more of the possible voters in the male-suffrage States voted than did the possible voters of the six adjoining woman-suffrage States. If 69.1 per cent of the men voted in the woman-suffrage States, as men in the adjoining male-suffrage States did vote, then an analysis of the figures show that only 19.1 per cent of the women over 21 years of age in the six woman-suffrage States actually voted. If more than 19.1 per cent of women did vote in the six woman-suffrage States, then less than 69.1 per cent of the men voted; so it is impossible to escape one or the other conclusion—that the women do not vote as generally as men when given the ballot, or if they do their voting does cause less interest to be taken in politics by men, and in either event woman suffrage is harmful to the Republic.

According to advice from secretary of state Jordan's office at Sacramento, Cal., where the names and addresses of all registered voters are sent in order that sample ballots can be mailed them according to law, 804,633 men and 180,000 women registered in California to vote at election November 5, 1912. (See Los Angeles Times, Oct. 27, 1912.)

This shows that about 93 per cent of men in California registered and only about 27 per cent of the women. The total vote for President November 5, 1912, for all the candidates in California, was 673,527; total registration, 984,633; 68.4 per cent of men and women who registered voted. If 68.4 per cent of the registered women actually voted, which is not likely—as women do not register as generally as men, it is not to be supposed that they vote as generally—then only 18.3 per cent of women over 21 years of age in April, 1910, voted November 5, 1912, in the State of California.

In San Francisco, in the latter part of 1912, at a local-option election, out of 120,859 women over 21 years of age in the city 40,655 women and 89,023 men registered, yet only 15,087 votes, all told, were cast for local option, and it is estimated that approximately 1 woman in 8 who was interested enough to register took the trouble to go to the polls.

At a city election in San Francisco November 11, 1913, 49,833 women registered and 19,678 voted, about one-quarter of the votes in this election being cast by women. In three precincts no women voted; in 49 out of 675 precincts there was an average of less than 10 votes per precinct by women. (Analysis of votes by Registrar of Elections Zemanski. See Los Angeles Times, Nov. 20, 1913.) Census of 1910 shows there were 120,859 women over 21 years of age in San Francisco, so only 16.2 per cent voted in election of November 11, 1913.

At an election March 24, 1913, in Los Angeles, Cal., involving radical changes in the city charter, only 31,000 voters, men and women, out of 222,817, cast their ballots, this, too, after a citizens' committee of 1,600 advocated in all the newspapers the adoption of certain propositions and the defeat of others. Nine out of ten of the reform measures were defeated. The Los Angeles Times of March 26, 1913, says:

"The vote of the women was disappointing. In some precincts it was a negligible quantity, while in others it was only about one-third of the total yet suffragists carried on an active campaign, attended and spoke at all-day meetings, and even worked at their headquarters on Easter Sunday."

At an election June 3, 1913, in Los Angeles, for mayor, Rose was elected by 8,037 majority over Shenk. Los Angeles had "good government" officials for several years before women had the ballot. Rose ran on an "open-town" platform and Shenk on "good government." Every newspaper and practically every minister in the city was for Shenk, and asked the voters to elect Shenk and have a clean city in the interests of the young men and women of Los Angeles.

The Los Angeles Times of June 5, 1913, gives the total vote as 84,055, nearly 100,000 under registration. The Times further says that in spite of the excellent organization of Mrs. John S. Myers and her corps of assistants the women did not turn out in any large numbers, and of those who did a considerable percentage appeared to favor the election of Rose. As there were 222,877 men and women over 21 years of age in Los Angeles (census of 1910), only 32.2 per cent of the men and women of voting age voted. The Los Angeles Express, June 4, 1913, had an editorial on the disgrace of electing Rose.

[From the Los Angeles Times, Oct. 27, 1913.]

"Two women voted yesterday at the city hall out of 71 registered. This is an average of less than 3 in 100, with ideal conditions for exercising the suffrage. None need to walk more than two blocks on perfect sidewalks and pavements in entrancing weather."

When we realize that this election was on important State constitutional amendments, it proves that the women in California are not so eager to vote as the agitators in the East would have the people believe.

At an election in Chicago April 7, 1914, with the strenuous efforts of the suffragists to get out the female vote, only 158,686 women voted. Chicago had, in 1910, 626,629 women over 21 years of age. (Letter from Director of Census, Feb. 28, 1914.) About 25 per cent of the women of Chicago over 21 years of age voted. More than double that number of men voted at the same election.

Most of the women who vote in the woman-suffrage States do so in self-defense, or at the earnest appeal of the male members of their families, and not because they want the ballot, for if such women did not vote they would lose their own and their husband's political status, with which they were satisfied under male suffrage, and must either vote or live under the laws to which they are opposed. For this reason it is unjust to place the burden on a majority of women in order that a few aggressive, forward, notoriety-seeking women can get into politics, some of whom resent the fact that they were created women and not men.

Helen M. Foster, in Los Angeles Times, November 7, 1913, under the head of "Woman lectures woman," commends Senator Works for daring to call attention to the neglect of citizenship by women voters, which she says are facts backed up by data and registration lists.

If further evidence were needed to prove that women, when given the ballot, will not vote as generally as men, the city election April 4, 1916, in Chicago leaves no doubt on that point. The official vote shows that 326,199 men voted and only 140,195 women. (Letter from chief clerk of board of election commissioners, Jan. 6, 1917.) Suffragists have claimed that the votes of women would be of such great help in city elections, in having laws enacted for pure milk, sanitation, and other laws for the special benefit of children and the home; yet we find 232 men to every 100 women voting in Chicago. Also at the election November 7, 1916, in Illinois, there were 150 men's votes to every 100 women's. Illinois has partial suffrage for women and is the only State where the votes of men and women are counted separately. The number of women eligible to vote in Illinois is about the same as the number of men. Also the number of men and women of voting age eligible to vote in Chicago is about equal, as there are more alien males than alien females in Chicago and the same is true of the State of Illinois.

An editorial in the San Francisco (Cal.) Chronicle, January 3, 1915, says: "In this and other States the franchise was given without waiting for the request of the majority of the sex, and as the event has shown without the desire of a majority. It is even more than probable that were the question of the withdrawal of the right submitted to a vote in this State, with the women voting, the right would be withdrawn. There are multitudes of women who would register for such an election for the sole purpose of getting rid of a duty they detest and whose obligations they refuse to fulfill."

THE WOMAN'S VOTE FOR PRESIDENT.

The woman's party announced that they had half a million dollars to spend for the defeat of President Wilson. Having hundreds of workers in the suffrage States, they declared that they would carry those States for Mr. Hughes with the votes of women, but instead of doing so States that have been normally Republican for years gave majorities for President Wilson. (Ten of the 11 full-suffrage States giving their vote for the Democratic candidate.)

In Illinois Secretary Emmerson's report shows 1,316,007 men and 876,700 women voted at the election November 7, 1916, and the per cent of women's votes cast for President Wilson was practically the same as the per cent of the men's votes cast for him, which proves that the woman's vote can no more be delivered for or against a candidate than can the farmer's vote, the church people's vote, or any other vote. The threats of the suffragists are idle boasts, and will no longer influence even the timid politician.

TAXATION AND WOMAN SUFFRAGE.

The suffragists, who have taken the slogan of our Colonies, "Taxation without representation is tyranny," utterly fail in endeavoring thereby to show a parallel between women without the ballot to-day and the condition of the Colonies in 1775. The men—the British Parliament—who voted the taxes on the colonists paid no part of the taxes they laid, and the more they could extort from the American Colonies the less the Englishmen would have to pay themselves, whereas to-day in the United States the men voting the taxes pay the larger part of the same. In our country only about one-eighth of the women of voting age pay taxes direct or indirect, so if women had the ballot the women who pay the taxes would not be so fairly and justly treated as they are now, for then about seven-eighths of the women voters would pay no taxes, while the men alone voting more than seven-eighths of the voters are taxpayers and pay about seven-eighths of all taxes. As men always have and always will produce the greater part of the wealth, they will always pay the greater part of all taxes. No injustice is possible where the taxes are laid by the voters who pay the larger part of the amount. Most of the property on which women pay taxes is the fruits of the labor of male members of their families acquired by gift, will, or placed in the names of women for some other reason. It would be absurd to believe that the men, nearly all of whom pay taxes, would vote unreasonable taxes on themselves in order to have the small per cent of women who pay taxes unjustly taxed. If women had the ballot the per cent of nontax-paying voters would be greatly increased, and taxpayers of both sexes would have a greater percentage of voters who would not be taxpayers to vote taxes on their property than with men alone voting.

Suffragists have claimed that if woman suffrage were adopted in the South it would make a white South, giving as their reason that there are more white women of voting age in the Southern States than negro men and women together. (Their statement is erroneous, as Abstract of Census, 1910, pp. 110 and 119, shows that there were in the 11 Southern States—Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Louisiana, Arkansas, and Texas—3,708,863 negro men and women and only 3,401,622 white women.) But as there are about one-quarter of a million more white men than white women in the South, instead of votes for women making the South whiter politically, it would increase the proportion of negro voters. (On pp. 110 and 118, Abstract of Census, we find that there were in the 11 Southern States above named 3,650,295 white men of voting age and only 3,401,622 white women.) Two Southern States—Mississippi and South Carolina—have a larger negro than white population, and there are nearly 200 counties in other Southern States where the negroes outnumber the whites, ranging all the way from the majority to 3, 4, and up to nearly 6 negroes to 1 white person in Lee County, Ga., to over 8 to 1 in East Carroll County, La. Besides, in many more counties the negro and white population is nearly equal. The per cent of negro women of voting age in the United States to total number of women over 21 years of age is 9.9 per cent, while the percentage of negro men to all men over 21 years of age is only 9.1 per cent.

In the 11 States above mentioned the per cent of negro women of voting age to all women over 21 years of age is 35.3 per cent, while the per cent of negro men of voting age to all men over 21 is only 33.6 per cent. Who would doubt that a larger per cent of negro women who were eligible would vote than white women? Who would contend that if the Southern States should ratify or have forced upon them a United States constitutional amendment granting the franchise to women that the Federal Government would permit the negro race to be discriminated against by State laws in voting?

PROHIBITION AND WOMAN SUFFRAGE.

So many people are being misled on the liquor question by the suffragists that it is well to submit some facts on the subject. Prior to November 3, 1914, in no State in which women voted on the question had State-wide prohibition ever been adopted. Ten States where men alone voted had State-wide prohibition. November 5, 1912, Colorado voted on State-wide prohibition; 75,877 votes were cast for the measure and 116,774 against it. (See Abstract of Votes, compiled from official returns by James B. Pearce, secretary of state, Denver, Colo.) If 58 per cent of the women over 21 years of age in Colorado had voted for prohibition the measure would have become a law by 7,012 majority, without a single male vote being cast for prohibition, there being 213,425 women over 21 years of age in Colorado. (Abstract of Census, 1910, p. 118.)

Wyoming legalized gambling for about 40 years after women had the ballot, and had neither State-wide prohibition nor local-option laws.

About six years prior to the adoption of woman suffrage in California Los Angeles voted on local option, and the measure was defeated by nearly 3 to 1. About a month after women had the ballot in Los Angeles the question was again voted on, and the saloons won by nearly 3 to 1.

Women have had the franchise five and one-half years in Pasadena, Cal., and the sale of liquor has been legalized ever since women were given the ballot. Pasadena has 2,688 more women than men over 21 years of age (census 1910), about 29 per cent.

December 2, 1913, Santa Monica, Cal., voted wet; ballots nearly 3 to 1 for liquor, for liquor to be sold on Sundays and nights. Los Angeles Times of December 3 says: "The triumph of 'demon rum' and the sparkling cabaret is attributed to the women, who voted 3 to 1 against a Sunday drouth." Total vote for the saloons and Sunday liquor, 2,173; against, 814. Letter under date of December 13, 1913, from Director of United States Census shows that in 1910 Santa Monica had 2,462 males and 2,748 females over 21 years of age, 286 more women than men, yet we have the sale of liquor legalized in cafés all night and Sundays in a city of homes of less than 8,000—7,846—people, and we doubt that a parallel can be found in any State where the franchise is limited to men.

San Francisco, San Jose, Stockton, Oakland, and some other California towns permit the saloons to carry on their business as openly on Sunday as other days of the week.

Redondo, Cal., voted on local option October 14, 1913; the saloons won. Los Angeles Times, October 15, says that "both sides claim the result was due to women's votes."

Anaheim, Cal., population 2,628, voted on local option November 6, 1913. The saloons won. (See Los Angeles Times, Nov. 7, 1913.)

San Bernardino, Cal., voted for the saloon January 30, 1914. (See Los Angeles Times, Jan. 31, 1914.)

Watts, Cal., voted wet September 8, 1914. (Los Angeles Times, Sept. 9.)

At an election in California April 13, 1914, out of 13 cities and towns voting on the liquor question 9 voted wet and 4 small towns dry. Hanford, population 4,829, and Merced, population 3,102, both of which

had been dry, returned to the wet column. (See Los Angeles Times, Apr. 14, 1914.) Only 1 small county in California, Lake County, was dry, and only 10 counties out of 62 in Colorado were dry.

In Colorado Springs, Colo., where the sale of liquor was prohibited for many years, when women voted on the question about four years ago liquor selling was legalized. Colorado Springs had 819 more women than men over 21 years of age in 1910 (letter of Director of Census, Feb. 28, 1914).

On pages 208-209, Annual Report of the Commissioner of Internal Revenue, you will find that in the 8 States that had woman suffrage January 1, 1913, Colorado, California, Wyoming, Idaho, Utah, Washington, Arizona, and Oregon, there were 28,108 liquor dealers paying special license to the Government for the fiscal year ending June 30, 1914. From page 24, Abstract of Census, 1910, you will see that the 8 suffrage States above mentioned had a population of 6,040,592; 1 liquor dealer for every 211 people for the 8 States. For the remaining 40 States and District of Columbia there were 225,299 liquor dealers paying licenses for the same period. The 40 States and the District of Columbia had a population of 85,931,674, or 1 liquor dealer for every 381 people, or about one-half the number of dealers per capita that the woman-suffrage States require; and yet we are told by the suffragists they are not favorable to the liquor interests.

At the local-option elections in Illinois April 27, 1914, about 1,100 saloons out of 3,000 where elections were held were abolished; 12 dry counties were added to the 30 already dry, making 42 dry counties of the 102 counties in Illinois. At elections April 4, 1916, in Illinois the wets gained 1 entire county. The number of saloons voted out in the various township elections were 176. Saloons voted in townships formerly dry, 182, making a net gain for the liquor interests of 6 saloons.

At township election held April 4, 1916, in East Dubuque, Ill., the official vote certified to by the city clerk shows that 184 women voted against prohibition and only 64 for the measure. Surely it will require something more than "votes for women" to bring prohibition when we find women voting nearly 3 to 1 for the liquor traffic.

Kentucky, where men alone vote, had 105 dry counties out of the 120 in the State, and Missouri had 65 no-license counties out of 114 in that State. Iowa is a prohibition State.

Minnesota, at election April 7, 1914, two-thirds of the counties where local-option elections were held voted dry, and towns that had licensed saloons for 60 years were voted dry by men's votes.

Eight out of twelve counties in Michigan that voted on the liquor question April 6, 1914, voted dry, including Lansing, the capital of the State, by men's votes, while in Springfield, the capital of Illinois, where there are 205 more women than men over 21 years of age, voted to retain the saloons.

Eugene W. Chaffin, former candidate on the Prohibition ticket for President, said at Long Beach, Cal., February 15, 1914, that "the support expected by Prohibitionists in California from women had not developed." (See Los Angeles Times, Feb. 16, 1914.)

During the suffrage campaign in Ohio, Miss Margaret Foley, in addressing a meeting of labor-union men, said: "Don't be afraid, boys; we are not going to take your beer away from you."

One hundred women working effectually against prohibition amendment, making house-to-house canvass of Los Angeles. (See Los Angeles Times, Oct. 30, 1914.)

In Cleveland many of the suffragists insisted that it was only their enemies who said of them that they would vote against the saloons. In the recent campaign in Chicago February, 1914, Miss Marion H. Drake, who was nominated for alderman in the first ward, was quoted in the newspapers as standing for "free lunch and saloons."

Mrs. Crystal Eastman Benedict, a prominent woman suffragist of Wisconsin, made before the Manufacturers and Dealers' Club of Milwaukee, in addressing the assembled brewers, the statement: "Why all this hue and cry about woman suffrage injuring the brewing industry? Is it not a little foolish?" Mrs. O. H. P. Belmont, in an address, said she would welcome the support of the brewers, and praised Mrs. Benedict for the work among the representatives of that interest.

Mrs. Minnie Reynolds, for the National Suffrage Association, recently challenged anyone to find a word concerning prohibition among the pamphlets issued by the association.

Hugh Fox, secretary of the United Brewers' Association, in a letter printed in the report of the hearing in December, 1913, before the Committee on Rules of the House on the resolution establishing a committee on woman suffrage, said: "The United Brewers' Association states that the antisuffragists have never received nor asked for contributions from them," although, he adds, "we have had appeals from the other side."

May Wright Sewall said, October 30, 1913, in Milwaukee, "Votes for women will no more prohibit drink than they will prohibit food."

Mrs. Grace Wilbur Trout, president of the Illinois Equal Suffrage Association, and one of the leaders in the lobby at Springfield which brought about the enactment of the suffrage bill, said:

"It is a great pleasure to remember that some of the firmest supporters of the suffrage measure in the forty-eighth general assembly were some of the so-called wets."

Suffragists have said that the reason the woman-suffrage States had not adopted prohibition was because there were so many miners in those States and that men outnumbered the women so greatly. The six States that had woman suffrage November 1, 1912—California, Colorado, Utah, Wyoming, Idaho, and Washington—had in December, 1909, 78,565 wage earners engaged in mining industries. (Abstract of Census 1910, p. 561.) Total number of men over 21 years of age in the six States, 1,911,518 (abstract of Census 1910, p. 107), or about 1 man of every 24 a miner. West Virginia, a prohibition State, had 78,404 wage earners in the mining industry and had in 1910, 338,349 men over 21 years of age, or about 1 man out of every 4 a miner. Alabama, that voted State-wide prohibition, had about 1 man out of every 16 engaged in mining, and Kansas (Kansas adopted prohibition about 30 years ago) had only a few less per capita engaged in mining than the six woman-suffrage States, and yet West Virginia, with nearly six times the number of men per capita over 21 years of age working in mines, and with Alabama with one-third more per capita, and Kansas with only a few less per capita of miners than woman-suffrage States, all voted State-wide prohibition with men's votes only.

Santa Monica and Pasadena, Cal., and Colorado Springs, Colo., all of which have more women than men over 21 years of age, legalized sale of liquor, so some other reason than more men than women and miners in woman-suffrage States must be found for those States being "wet" States until some of which voted "dry" in 1914. In November, 1912, Colorado voted "wet" by about 40,000 majority; in November, 1914, it voted "dry" by 11,572. As there were more men over 21 in Colorado, as well as other suffrage States, than women, the men undoubtedly voted the States dry, as the proportion of men to

women has changed but little in two years. California, with 137 men to 100 women of voting age, defeated prohibition by 169,345, while Washington, with 158.9 men to 100 women, adopted prohibition by over 18,000 majority, and Oregon, with 152.8 men to 100 women, by 36,480. Taking the vote collectively of the five woman-suffrage States that voted on prohibition in 1914, the majority against prohibition was 99,416; population of the five States, 5,195,682. Taking the vote of the two male-suffrage States that voted on prohibition the same year, Ohio and Virginia—population, 6,828,733—the majority against prohibition was only 53,787; Ohio, which has very large brewing, distilling, wholesale, and retail liquor interests, voted against prohibition by only 84,152, and about 40,000 in 1915, while California, whose wine and liquor interests are probably very much less, computed in dollars and cents, voted against prohibition by 169,245, and California has only about half the population of Ohio. So anyone who will make an investigation of female suffrage and the liquor question will find it is not women's votes that bring prohibition, but a general sentiment being worked up against the liquor business.

It is admitted that a prohibition law is the most difficult of all laws to enforce, even when a majority of men in a State vote for it. What chances would there be for the enforcement of such a law if the majority of men were against prohibition and such a law was enacted by women's votes?

Virginia adopted prohibition in 1914 by men's votes. Ohio defeated it the same year. Four woman-suffrage States voted prohibition in 1914, but California, a suffrage State, with nearly as large a population as all four woman-suffrage States combined that adopted prohibition (and had more women, proportionately, than the four suffrage States that abolished the liquor traffic), voted overwhelmingly against prohibition.

South Dakota, Nebraska, and Michigan adopted prohibition by men's votes November 7, 1916, while on the same day, California, with women and men voting, defeated the measure by 101,561 majority.

The liquor dealers certainly have nothing to fear from woman suffrage in California.

In November, 1915, there was a large parade in Chicago, on Sunday, to protest against closing the saloons on Sunday. It was called the "Chicago Sunday-booze parade." The marshal of the parade is quoted in the Chicago Herald of November 8, 1915, as saying that "Not less than 33½ per cent of the 100,000 marchers were women."

It has been charged that the liquor interests defeated woman suffrage in the five States that rejected it on November 3, 1914; yet the only two States that adopted it at the same time were Montana and Nevada, the then two "wettest" States in the Union, and the States where there never was any territory voted "dry," while North Dakota, a prohibition State; South Dakota, 68 per cent; Nebraska, 56 per cent; and Ohio, 52 per cent "dry," all defeated woman suffrage in 1914. The cities of Lincoln, Omaha, and Fremont, Nebr., cities with large brewing and liquor interests, collectively gave a majority for woman suffrage, while the country districts of that State (in which are many "dry" counties) gave over 10,000 majority against it.

Suffragists also make the astounding claim that the liquor interests defeated woman suffrage in Iowa, West Virginia, and South Dakota in 1916. Iowa and West Virginia had State-wide prohibition and South Dakota at election November 7, 1916, adopted prohibition by about 10,000 majority and on the same day defeated woman suffrage by about 5,000. So the claims of suffragists are too absurd for consideration, as the liquor people would surely save their own business, if they were powerful enough to do so, before using that power to defeat votes for women, which has proven harmless to the liquor traffic. Fifteen States have adopted prohibition by men's votes.

SCHOOLS AND PLAYGROUNDS.

Suffragists tell us on all occasions that if women had the ballot much better laws for the education and welfare of the child and youth of our country will be enacted. Let us cite a few instances to disprove such a theory.

At Berkeley, Cal., April 12, 1913, for the issuance of bonds for playgrounds, which were defeated, only about 1,500 of the 8,000 women of the city voted. The mayor, who had been a zealous worker for woman suffrage, reprimanded the women for their negligence of this particular issue, which of all others should interest them. In a newspaper article he asks: "Where were the mothers?" Berkeley had 1,301 more women than men over 21 years of age in 1910 (letter of Feb. 28, 1911, Director of Census.)

At Pasadena, Cal., where there were 2,688 more women than men of voting age, the playgrounds that were the pride of Pasadena and were established before women had the ballot were discontinued in July, 1913, on account of the failure of the voters to vote money for the purchase of the grounds. (Los Angeles Times, July 27, 1913.)

At an election November 12, 1913, Pasadena, Cal., failed to vote bonds to repair leaky roofs and make sanitary repairs on schoolhouses, to complete new schoolhouses under construction, and to make it possible to provide schools for the entire school year. The superintendent of schools said the school year would have to be cut a month or two, and that some schools would have to close when the rains began. (Los Angeles Times, Nov. 13, 1913.)

It happened to rain November 12 in Pasadena, and some thought the bonds might have carried had the vote been taken on a fair day when the ladies could more conveniently get to the polls, so it was decided to have another election to vote for bonds in a less amount than was voted on November 12. So on January 16, 1914, a fair day, another election was held, and the bonds were again defeated. So the voters of Pasadena decided at two elections that the repair of leaky roofs and sanitary improvements, etc., of schoolhouses as well as playgrounds are to be indefinitely postponed. A letter, dated January 12, 1914, from the Director of the Census states that there were in 1910, 9,262 males and 11,950 females over 21 years of age; the total vote for and against the bonds of 4,832. Only 22.7 per cent of the voters of Pasadena—population, 30,291—was interested enough to go to the polls at the election of January 16.

At an election of September 11, 1914, at Pasadena, to vote bonds for about \$12,000 to pay school-teachers the balance of their salaries due for teaching the previous school year, the bonds were defeated. (Los Angeles Times, Sept. 12, 1914.)

The Arizona Republican, of May 26, 1915, says (editorially) of the appropriation bill: "But there was one thing done in the name of economy for which the members of neither house of the legislature in years to come will want to claim credit. We think they will incline to disclaim responsibility—that was the reduction of the State school fund from \$500,000 to \$100,000 a year."

When men alone voted in Arizona they voted five times as much for school purposes as when women had been voting about three years.

VICE NOT SUPPRESSED WHERE WOMEN VOTE.

Much has been said by suffragists about the recall of the mayor of Seattle, who has since been renominated and reelected, and the abolishing of the Barbary Coast, San Francisco. Mayor Harper was recalled in Los Angeles about four years before women voted on account of not enforcing laws against vice, and more than 50 cities in the country have abolished segregated vice districts in the past four years. Los Angeles abolished the segregated district about six years before women had the ballot, but it took Denver nearly 20 years after women voted to do away with its segregated vice district. An abatement law was passed in the District of Columbia by men, and such a law has been passed or is pending in several male suffrage States. The Barbary Coast was again established in San Francisco, which is one of the last big cities in the United States where a segregated vice district yet exists. January 27, 1917, the mayor announced he would appoint 25 leading citizens to investigate conditions. The law enforcement league, the chamber of commerce, ministers, and women's clubs are working to stamp out vice in San Francisco. It seems that "votes for women" fail to bring reforms, and that the old way—law enforcement leagues, business men's organizations, ministers, and women's clubs had to be summoned. Chicago, where women vote, also has its scandal. Charges are being made that money is being collected for protection of vice resorts and gambling houses.

Denver Post, October 17, 1913, report of Mrs. Stewart Walling and Dr. Elizabeth Cassidy: "Colorado Reformatory rotten. Nothing but filth and graft found at Buena Vista. Merely a preparatory school for the penitentiary. The reformatory, submerged in politics, is a monument to graft, ignorance, stupidity, extravagance, and mismanagement. Building so infested with vermin that only fire could purify it."

The Daily News, of Denver, of October 13, 1913, says the Rev. A. E. Shattuck, of Grand Junction, has stirred up the animals in fine shape by public denunciations of conditions which he alleges exist in Grand Junction, Colo.

Here are a few of the opinions he expresses: "Lawlessness is pronounced among us." "Illicit liquor selling is notorious." "Gambling joints are in full swing." "Boys and girls roam our streets late at night in unrestrained violation of our curfew ordinances." (The mothers are possibly away from home attending to political affairs.) "Officials who hate unjust gain we need."

WAR AND WOMAN SUFFRAGE.

Suffragists continually tell us that if women had the ballot wars and internal strife would be a thing of the past, yet Colorado, which has had woman suffrage for nearly a generation, was in the throes of civil war nearly all of 1914. The State had become so weakened in its fabric that it could not keep order and protect life and property within its borders, but was compelled, through the State authorities, to call upon the President of the United States to send Government troops to administer affairs and bring order out of chaos. This is another proof of the failure of woman suffrage in the model State of Colorado, and refutes beyond any possibility of controversy the suffragists' claim.

The European war and our break with Germany came suddenly, and, as with most wars, there was no time for men to vote whether war should or should not be declared. Should a foreign foe invade our country and the women of our land vote to offer no resistance, but decide to surrender our liberty and property and submit to the yoke of a foreign despot rather than consent to the men defending our homes and firesides by going to war, and the men of our Nation decide to fight for the honor and well-being of our country, how could the women prevent them? Would it be right for women to vote that our men should not defend our homes and country? On the other hand, would it be just and right for the women of our country to vote that our men should go to war when the women would be unable to do their share of the fighting?

WAGE-EARNING WOMEN AND WOMAN SUFFRAGE.

It has been said that women working in stores and factories need the ballot to increase their wages and for bettering their condition generally. Of the 8,075,773 female workers over 10 years of age, only 4,436,804 are employed outside their home and home farms; 1,346,905 are under 21 years of age, leaving only 3,088,899 to vote—only about one-eighth of the women of voting age in the United States, there being many times more workingmen than working women in the country. Why have not men increased their wages by the ballot, as men have had the ballot for over 100 years? If the ballot can increase wages and produce wealth and make equal pay for equal work, why do different wage scales obtain in different parts of this country, and why do laboring men rely on labor unions instead of the ballot for better wages and working conditions?

The main reason for lower wages for women, aside from the physical difference, which the ballot can not change, is that women are only temporary wage earners, about seven years being the average length of time which women engage in wage-earning occupations; after which they graduate into matrimony, their natural sphere, which is the expectation of every normal woman.

As there are over 20,000,000 women of voting age not employed as wage earners, what chance would 3,088,899 working women have in a contest of votes, with 20,000,000 women not so engaged and about 27,000,000 men voters besides? The first "mothers' pension law," the first "workmen's compensation law," the first "red-light abatement law" were first passed in male-suffrage States. No woman-suffrage State can show better laws than can be shown in male-suffrage States, and it is acknowledged that Wisconsin, Michigan, Ohio, Nebraska, Missouri, Pennsylvania, New York, and Massachusetts, all of which recently defeated woman suffrage overwhelmingly, and Connecticut, Indiana, and others—all male-suffrage States—are in the forefront with good laws for women and children, and years ahead of woman-suffrage States in this regard.

Judge Lindsey, in an address in Denver in 1915, said: "We are 20 years behind Massachusetts in spite of suffrage."

At an election November 3, 1914, California defeated an 8-hour law and 48 hours per week; and Oregon defeated an 8-hour day and room-ventilation law for women by a large majority.

In most States where men make the laws a woman can desert her husband and all he can do is to ask her to return to him, while men can be arrested and imprisoned for deserting their wives. In many male-suffrage States women can sell and convey their real estate without the husband signing the deed, while men must have their wives' signatures in order to sell and convey their own lands.

Women acting as nonpartisans without the vote will get more favorable legislation and better laws of every kind enacted than as partisans with the vote.

WOMAN SUFFRAGE UNDEMOCRATIC.

Woman suffrage is undemocratic: First, because the leaders will not leave the question to the women to decide, but would have the men force suffrage on women, 80 per cent of whom do not want the ballot. Second, as has been proven beyond a doubt, which anyone can verify by United States Census and secretaries of states' reports, women will not vote, relatively as generally as men of the different classes, and can never do so, however much they might desire to, on account of their duty of motherhood; consequently, the will of the majority is often set aside and defeated where women vote, and the political status of both men and women changed, and laws representing the will of the minority enacted. This is one of the great injustices of woman suffrage, for laws representing the will of the minority are dangerous to our free institutions. Third, as the Father of our Country truly said, "Government without force is a nullity," and is not just nor democratic for women to vote laws unless they can fulfill all the functions of government. As they can not serve in the Army and Navy, assist the officers in arresting criminals and putting down riots, etc., it can not be said they have a right to vote laws which they can not enforce and which would not be enforced unless the men of the country desired they should be.

WOMAN SUFFRAGE NOT AN INHERENT RIGHT.

"The granting of the franchise," said Chief Justice Marshall, "has always been regarded in the practice of nations as a matter of expedience, and not as inherent right."

If it is a right for all to vote who pay taxes and who live under laws they must obey, then all State laws preventing Chinese, United States soldiers, and illiterate men from voting should be repealed. Also laws for punishing boys for crimes or taxing their property should be abolished, as boys have no voice in making the laws of the land till they reach the age of 21 years. Yet who would say that the laws pertaining to the youth of our land are unfair or unjust, or who would say that the illiterate man is living under unjust laws in the many States where he is not allowed a voice in the making of them? Illiterate men, Chinese, and boys under 21 are people, and are not allowed to vote; and it is not now and never has been considered expedient for all people to use the franchise. Only when the interests of all the people—men, women, and children—are best served by granting the franchise to anyone is voting a right, as suffrage is a political and not a natural or inherent right, but entirely a matter of expediency.

The women of the suffrage States might say that as men had always held the offices for the enforcement of laws against crimes, such as train robbing, etc., that it was a right for women to be placed in these offices; but who would say that women could arrest criminals and enforce the laws as well as men? And as they could not, who would say it was a right they should be given such offices? The same is true of voting. As women only perform the duty of voting to a much less degree than men, and thereby the will of the people is not as well expressed at the polls, it can not be a right, nor is it justice, for women to vote.

We believe that you will agree with us that the main object of voting is to register the will of the majority; that it may be crystallized into the law of the land; that any propaganda that tends to and does, in some instances, defeat the will of the majority is inimical to our form of government.

We think, from the instances cited, we have shown beyond question that women given the ballot do not vote as generally as men. When a man votes in a male-suffrage State his vote counts one, but in a woman-suffrage State, unless his wife votes, his vote counts one-half. If a single man, if the women of his class do not vote relatively as generally as men of his class and opinions, his vote is of less effect than if women were not enfranchised. The fact that the different classes of women do not vote relatively in so large a proportion as men of the different classes in the suffrage States tends to, and in many instances does, defeat the will of the majority; and the registration of the will of the majority is the corner stone of democratic government. No cause can be just or right that defeats this end. Women's failure to vote as generally as men, where they have been given the ballot, in many cases cause laws to be enacted that are the will of the minority, and that is one of the greatest injustices of woman suffrage, for the laws made by minorities are injurious to our free institutions.

As an illustration of how the will of the minority controls an election on account of women failing to vote relatively in as large numbers as men, in San Francisco County, Cal., where the sentiment was not favorable to woman suffrage, only 35.5 per cent of the men and women over 21 years of age voted for President November 5, 1912, while in Los Angeles County, Cal., which had, in 1910, 346,158 men and women over 21 years of age, which gave a large majority for woman suffrage, 48.5 per cent of the men and women of voting age voted for President in November, 1912. The vote for Wilson in San Francisco County, which had, in 1910, 297,269 men and women over 21 years of age, was 48,965; Roosevelt, 38,610; Debs, 15,354. Had 48.5 per cent of the men and women in San Francisco County voted, as they did in Los Angeles County, there would have been cast 144,175 votes for the presidential candidates instead of 105,646, the actual number cast; and if 144,175 votes had been cast in the same proportion as the 105,646 votes were cast, Wilson would have received 18,288 more votes than he did and Roosevelt 14,478 more; and instead of Roosevelt carrying California by 174 votes Wilson would have had the State by 3,636 plurality.

Men alone voting register the will of the men and women much better than if women and men both vote, for the reason that the different classes of men vote relatively in larger numbers than the different classes of women. Women adhere to different political parties in the same proportion as men, as is generally proven by their being no change in the political complexion of States where women have been given the ballot. The average woman, if she votes, registers the same opinion as her husband, father, or brother; but if she should occasionally vote differently, by voting the Democratic ticket and her husband voting the Republican ticket, in another family the reverse may be true, the husband instead of the wife voting the Democratic ticket, so in the final count there would be no change at all in the results. If women voted as generally as the men, but as women do not vote relatively as generally as men, the will of the minority is sometimes registered at an election with women voting, while the will of the majority would have been registered with men alone using the franchise. If every husband and wife voted differently and canceled each other's vote, the making of the laws of our land would be left to the unmarried men and women, who are the smaller part of our voting population.

Also, the office-seeking female politicians and their personal friends will vote more generally than women not looking for office, and as non-office-seeking women do not and will not vote in as large proportion as men, the power of the "boss" in politics will be strengthened and increased by giving women the ballot.

WOMEN AS OFFICE SEEKERS.

Suffragists have said that women only want the ballot to protect themselves, their children, and their property. Yet when we consider that 255 women were candidates for county offices in Kansas last November and 151 were elected, we are compelled to believe that the desire to hold office is one of the chief reasons for the agitation for the vote.

Umatilla, Oreg., has all the city offices filled by women, and all the suffrage States have women officeholders, Montana having elected a woman to Congress last November.

RURAL COMMUNITIES AND WOMAN SUFFRAGE.

Another example of the harmful effect of giving women the ballot is the fact that woman suffrage would decrease the power in politics of that great independent vote of the rural communities, where reside the larger part of our population, and add to the power of the boss-controlled city vote. Since the number of males to females in the rural part of our Nation is 109.9 males to 100 females, while in our city population the number of males is only 101.7 to 100 females. (See pp. 276 and 334, vol. 1, U. S. Census 1910.) Besides, the women rural voters, living farther from the polling places than the city women, who reside only a few blocks from where they cast their ballots, would not and could not vote in as large a proportion as their city sisters. It not being convenient or possible for as large a per cent of women in the country districts to go to the polls, as the men, the power of the political machine in the cities (where the large foreign-born population reside) would be greatly increased, for the country women's vote would not offset the city women's vote to anything like the same percentage that the rural men's vote offsets the city men's vote. The political bosses in Chicago and other cities where women have been permitted to vote have been shorn of none of their power by women entering politics. Also in our big cities, where the liquor interests are large, the saloons, breweries, hotels, and cafés that sell liquor, property owners who rent property to such interest, and all allied trades and business, as well as gamblers, etc., see that their women go to the polls on election day nearly as a unit, besides inducing their women friends to vote, it being to their interest financially to do so, while women with no monetary interests in the election would fail to vote as generally as men of their class and opinions do. So the will of the majority in such an election may often be defeated, and liquor interests win; while if men alone voted, the saloon might be abolished. As before mentioned, when men alone voted on local option in Los Angeles the saloon won by two to one, while with women voting the saloons won by nearly three to one. The same applies to any political machine that seeks to gain ascendancy for graft, organized socialism, etc., that really want to gain advantage and defeat the will of the majority.

WOMEN AS JURORS IN WOMAN-SUFFRAGE STATES.

The Washington Post of September 21, 1916, contains a dispatch from Reno, Nev., about a divorce case, which says in part: "A jury, consisting partly of women, of whom three are married, one single, and two widows, the other six jurors being men. * * * The case, which will probably occupy several weeks, is being tried behind closed doors, as the attorneys claim the evidence is unfit for public hearing." Mr. Voter, how would you like to have your wife, mother, sister, or daughter on a jury with men for several days or weeks to hear evidence unfit for the public to hear? That is just what you may expect if woman suffrage is adopted.

FEMINISM AND SOCIALISM.

According to Mrs. Beatrice Forbes-Robinson Hale, noted suffrage speaker and writer, woman suffrage is "an essential branch of the tree of feminism." "Feminism," she says in her book on the subject, "is gradually supplying to women the things they most need." Among these things she mentions "easy divorce" and "economic independence."

Feminism is variously defined, but in whatever guise of words we find it we see the same earmarks of revolt against nature and Christian morals. The feminist is an avowed enemy of the home. Writing in McClure's Magazine for March, 1913, Inez Milholland Boissevain, a prominent suffragist, foresees with delight "the beginning of a breakdown to the artificial barriers in the way of a more natural observance of the mating instinct," in other words, "free love."

The Case for Woman Suffrage, a bibliography of suffrage literature, published by the College Equal Suffrage League, and sold by the National Woman Suffrage Association, sneers at the "old-fashioned" suffrage arguments and gives the highest meed of praise to the radical writings of the most radical feminists and socialists. "Too many advocates of woman suffrage," says the Case (p. 64), "insist that when woman is enfranchised she will be no less 'womanly' than before; whereas in point of fact perhaps the chief thing to be said for the suffrage is precisely that it would make woman less womanly in the commonly accepted sense of the term. One can not argue logically on woman suffrage without facing this fact."

The devotees of feminism talk glibly and coarsely about "sex freedom" and "sex independence for women," all to be achieved with the vote. "Economic independence for women" is a phase of the suffrage question that ought to interest the workingman, for it is the theory that all women, married and single, should engage in gainful occupations. Feminists agree that the wife must be independent of her husband, because to be dependent upon him for maintenance is to be a "parasite." She must also be independent of the care of her children, if she elects to have any, because otherwise she can not earn her own living. Dora Marsden, in The Bondwoman, a pamphlet attacking marriage and characterizing wifehood as a species of slavery, says: "The free woman's concern is to see to it that she shall be in a position to bear children, if she wants them, without soliciting maintenance from any man, whoever he may be." The Bondwoman was printed and circulated as a campaign document by the National Woman Suffrage Association.

Charlotte Perkins Gilman, leading suffrage speaker and writer, in an article in the Woman's Journal, the suffrage organ edited by the president of the Massachusetts Suffrage Association, says:

"The woman should have as much to do in the home as the man—no more. Who, then, will take care of a sick baby? The nurse, of course. If the child is not seriously ill, the nurse is as good as the mother. If the child is seriously ill, the nurse is better."

She also said the home is no more holy than the post office. Mary Ware Dennett says it is unwholesome for any woman to be supported by any man. Mrs. Dennett was formerly an officer of the Massachusetts Woman Suffrage Association, later an officer of the National Woman Suffrage Association. Under this theory of economic independence for women the husband must cease to be the provider, and the wife must cease to be the home maker; otherwise their relations are unwholesome.

In the suffrage parade in Washington, D. C., March 3, 1913, was carried a large banner with the inscription, "1,000,000 Socialists work and vote for woman suffrage." There is no getting away from the fact that woman suffrage, feminism, and socialism are indissolubly linked. Socialists like the late Inez Milholland Boissevain, Mrs. Harriet Stanton Blatch, Alice Stone Blackwell, and Miss Jessie Ashley are prominent leaders in the Woman Suffrage Party. Socialists favor woman suffrage because they know what it means to their cause. Where do you stand? Are you in favor of it? Do you care to have private property abolished? Do you believe that wifehood is slavery? Do you think homes should be abandoned in order that women may have economic independence? If you want these things, work for woman suffrage with the feminists and Socialists; but if you hold your family relations, your home, your religion sacred, if you desire to preserve them for yourself and your children for all time, then work with all your might against the companions, the handmaids, the forerunners of feminism and socialism—woman suffrage.

WOMAN SUFFRAGE AND DIVORCE.

It has been said that there was no connection between votes for women and divorce, yet it is significant that in the 11 States where the sentiment was favorable to woman suffrage (Wyoming, Idaho, California, Utah, Montana, Arizona, Washington, Oregon, Nevada, Colorado, and Kansas) there was, according to Marriage and Divorce, United States Census Bulletin No. 96, page 20, an average of 364 divorces per 100,000 of married population, while in the adjoining male-suffrage States west of the Mississippi River (Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Louisiana, Arkansas, Oklahoma, Texas, and New Mexico) the average number of divorces was only 264 per 100,000, and for the United States as a whole only 200 per 100,000 of the married population.

WOMAN SUFFRAGISTS UNJUST.

The suffragists say they demand justice for women in demanding the ballot for women; but for which women—the 20 per cent who demand it or the 80 per cent of the women who protest or who are silent on the question? Should 80 per cent of the women be compelled to bow to the will of 20 per cent? We are entirely unable to understand how anyone can claim that women have the right to vote and deny, as the suffragists do, that women have the right to vote on the question as to whether or not they want the ballot. Abstract of census, 1910, page 107, shows there were in the United States 26,999,154 men and 24,555,754 women 21 years of age and over. So if women were given the ballot they could not, if they desired to do so, vote any laws that the men opposed.

We deny the allegation of the suffragists that the men of this Nation have made a failure of government, or that men have become such "mollycoddles" or so weak that it is necessary to place the burden of government upon women, most of whom are opposed to having the additional responsibility imposed upon them. It is an insult to the men of this country to be told by the suffragists that they can not be trusted to make just laws for women and children, when an average of four-fifths of the earnings of the man, over and above the necessities of the family, are spent on the women and children.

Suffragists often quote the praise given woman suffrage by politicians from suffrage States, but it could hardly be expected that politicians from States where women have the franchise would condemn woman suffrage, as the loss of a few votes of the agitating class of women, or even one vote to a politician, might mean the loss of a big-paying office.

If woman could ever vote as generally as men, there would be little or no change in our laws; for if even once in a while a wife voted in opposition to her husband and canceled his vote—in which event the family would have no voice in the laws at all—the final result of the whole vote would rarely be changed, and we would have the absurd spectacle of two people doing what one alone could accomplish as well and waste all the effort expended in the study of politics by women and the enormous expense the doubling the vote would entail.

The foundation of every government is the family, and the large majority of men and women of voting age are married. If a wife voted in opposition to her husband there would be no necessity for either to vote, while if they voted alike her vote would be useless.

Our Government is in part one great business concern; and what business man or manufacturer would not consider a proposition childish to use for part of his work double the number of people at double the cost to do something which would be of absolutely no profit? Yet it has been proven that suffrage does not better conditions or laws, and still suffragists ask men to give women the ballot when it would almost double the cost of elections and nearly double the number of people to do the voting, with no good whatever accomplished.

POPULATION NOT TERRITORY COUNTS.

In the 11 full suffrage States, Kansas, Montana, Oregon, Washington, California, Arizona, Utah, Nevada, Idaho, Wyoming, and Colorado, the total number of women of voting age was 2,097,945 (census, 1910), which is 16,063 less women of voting age than reside in the State of Pennsylvania.

HIGH COST OF WOMAN SUFFRAGE.

Under caption "What freaks do to California," the Los Angeles Times of September 26, 1914, prints, in a dispatch from Sacramento: "California citizens will pay approximately \$1,637,500 for the privilege of exercising the right of suffrage this year. This is an increase of 133 1/3 per cent since 1910." Above amount is exclusive of city, county, and special elections. Women were given the ballot in California October 10, 1911. California also has the highest government cost per capita of any State in the Union.

In Chicago in 1913 (the year before women were given partial suffrage), the cost of elections was \$286,954, but in 1917 the election board asks for \$1,805,000. Votes for women will increase taxes for it costs money to hold elections and if you provide 50 or 100 per cent more polling places the expense is bound to be greater. Chicago has double the number of polling places it had before women voted.

DEFEATS OF WOMAN SUFFRAGE.

In the past four years 13 States have by overwhelming majorities in most instances voted against giving the ballot to women, viz: Wisconsin, Michigan, Ohio, Missouri, Nebraska, North Dakota, South Dakota, New York, New Jersey, Pennsylvania, Massachusetts, Iowa, and West Virginia. Five of the above States defeated woman suffrage in 1914, the four States of New York, Pennsylvania, New Jersey, and Massachusetts in 1915, and the three States of Iowa, West Virginia, and South Dakota in 1916. These 13 States that defeated votes for women have a population (census, 1910) of 41,685,845. Add to these

the 12 Southern States whose hostility to woman suffrage is well known: Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas, we have the States with a population of 65,735,414, known to be strongly opposed to the franchise for women, or States in which reside 71.4 per cent of the population of this Nation. In addition there are the States of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, Maryland, Kentucky, Indiana, New Mexico, and Minnesota. In all of which there has never been enough suffrage sentiment to get the legislatures to submit the question to the voters, therefore the States which contain about 84 per cent of the population of this country are decidedly against "votes for women." The wave of hysteria is passing and instead of the sentiment for woman suffrage increasing, it is on the decline, as shown by the vote in Michigan, where it was defeated in 1912 by only 760 majority and in 1913 by 96,144. In Ohio in 1912 "votes for women" was defeated by 87,455 majority and in 1914 by 182,905. In Massachusetts in 1915 the majority against giving women the ballot was 133,447, the largest majority ever given against men or measures in that State. In 1916 West Virginia voted nearly three to one against giving women the franchise. Woman suffrage is going—not coming. The more women go out into the rough world to do men's work the greater the loss to the home and the more she loses her delicate charm and sympathy, which is distinctly feminine; and, in the language of the late Senator Vest, of Missouri, "What man would care to go home after the struggle and worry of the day in the business world and fall into the arms of a constitutional lawyer or politician for rest, consolation, and comfort?"

OPINIONS OF EMINENT MEN AGAINST WOMAN SUFFRAGE.

Thomas Jefferson: "Nature has marked the weaker sex for protection, rather than the direction of government."

Daniel Webster: "It is by the promulgation of sound morals in the community, and more especially by the training and instruction of the young that woman performs her part toward the preservation of a free government."

The Hon. Elihu Root, United States Senator: "I am opposed to granting suffrage to women because I believe it would be a loss to women and an injury to the State. * * * It is a fatal mistake that these excellent women make when they conceive that the functions of men are superior to theirs and seek to usurp them."

Grover Cleveland: "I am willing to admit it was only after a more thorough appreciation of what female suffrage really means that I became fully convinced that its inauguration would vastly increase the unhappy imperfections and shortcomings of our present man-voting suffrage, its especial susceptibility to bad leadership and other hurtful influences would constitute it another menacing condition to those which already vex and disturb the deliberate and intelligent expression of the popular will."

William Howard Taft: "If in any of the States now acting on the question I were called upon to vote, I would vote against giving the suffrage, because I think, to force it upon an unwilling or indifferent majority * * * is to add to the electorate an element that will not improve its governing capacity."

Rev. Lyman Abbott, D. D.: "If any man attempts woman's functions he will prove himself but an inferior woman. If woman attempts man's functions, she will prove herself an inferior man. Some masculine women there are; some feminine men there are. These are the monstrosities of nature."

Bishop John H. Vincent (founder of the chautauqua): "When about 30 years of age I accepted for a time the doctrine of woman suffrage and publicly defended it. Years of wide and careful observation have convinced me that the demand for woman suffrage in America is without foundation in equity, and if successful must prove harmful to society."

James Cardinal Gibbons: "Woman is queen indeed, but her empire is the domestic kingdom. The greatest political triumphs she would achieve in public life fade into insignificance compared with the serene glory which radiates from the domestic shrine and which she illuminates and warms by her conjugal and motherly virtues."

OFFENSES AGAINST THE UNITED STATES.

The VICE PRESIDENT. The morning business is closed.

Mr. OVERMAN. Mr. President, I move that the Senate proceed to the consideration of the unfinished business, the bill (S. 8148) to define and punish espionage.

Mr. SIMMONS. I wish my colleague to advise the Senate how long, in his judgment, it will require to finish the bill.

Mr. OVERMAN. In answer to my colleague I desire to say that there are some 8 or 10 amendments to the bill. I do not think they will take a great deal of time. How many more amendments will be offered I do not know, but we ought to finish the bill by 3 or 4 o'clock, and in even less time than that.

Mr. SIMMONS. I should like to inquire further of my colleague if the bill is not finished by the usual hour for adjournment, say at 6 o'clock, is it his purpose to have a night session?

Mr. OVERMAN. I should like to go on without even a recess and finish the bill to-night, but if we must take a recess that it be taken until 8 o'clock and that we come back and finish it to-night.

Mr. SMITH of Michigan. I should like to ask the Senator from North Carolina [Mr. SIMMONS] if it is his intention to call up the revenue bill after this bill has been disposed of.

Mr. SIMMONS. Yes, that is the purpose of my inquiry. I had expected that the Senate would proceed to the consideration of the bill this morning, but my colleague advised me late Saturday evening that he thought probably it would take only a short time this morning to dispose of the unfinished business. In view of that I am not disposed to ask that the revenue bill shall be taken up until the pending bill has been completed, unless it is likely to take a very considerable time.

Mr. CUMMINS. Mr. President—

Mr. NEWLANDS. Mr. President, with the permission of the Senator from North Carolina [Mr. SIMMONS], I should like to say that I have arranged with the Senator from Wisconsin [Mr. LA FOLLETTE] to bring up at 4 o'clock this afternoon a motion to make a special order of the bill increasing the Interstate Commerce Commission and permitting its division into three divisions so as to facilitate the business of that commission. It was my idea to ask that it be made a special order for this evening or to-morrow evening. I ask the Senator, taking into consideration, of course, the urgency of the measure which he is presenting and the urgency of the legislation I have in view, whether he can not arrange to have either to-night or to-morrow night given for the consideration of the Interstate Commerce bill. I give notice that at 4 o'clock I will bring up this matter.

Mr. THOMAS. My colleague [Mr. SHAFROTH] is absent, and in his behalf I wish to give notice that the Porto Rican bill will be pressed.

Mr. CUMMINS. Mr. President, I do not want by my silence to lend myself to any false impression that might prevail in the Chamber. I do not intend to unduly delay final action upon the bill which is the unfinished business, but it can not be finished, in my opinion, within two or three hours. I have before me and I shall present some 14 or 15 amendments to the bill, all of which I believe to be important.

Mr. SIMMONS. Does the Senator intend to discuss each one of the amendments?

Mr. CUMMINS. It will be necessary to explain at least each one of them as I offer them. There may be other amendments, and doubtless will be. I will facilitate the consideration of the bill in every way I can, but there are some things in it which must either come out or there will be very considerable debate upon it.

Mr. OVERMAN. The Senator does not mean that as a threat?

Mr. CUMMINS. Not at all. I am simply uttering a prophecy; that is all.

Mr. SIMMONS. Of course I understand if the Senator from Iowa is going to offer 14 amendments and address himself to each of them the probabilities are that we shall not get through with the bill before midnight. What I desired to say, and all I desire at this time to say, is that I shall be disposed on to-morrow to ask the Senate to proceed with the consideration of the revenue bill. I trust that we may be enabled either during the afternoon or at the night session to dispose of the measure now before the Senate, because I regard it as a very important matter, and one that should be acted upon. For that reason I have decided that I would not, as I formerly intended, ask the Senate to take up the revenue bill to-day unless the unfinished business should be disposed of.

The VICE PRESIDENT. Without objection, the unfinished business is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. What is the pending question?

The VICE PRESIDENT. The pending question is the amendment proposed by the committee to insert an entire bill upon the motion of the Senator from North Carolina [Mr. OVERMAN].

Mr. CUMMINS. I ask that the proposed amendment be stated.

Mr. OVERMAN. It has been read.

The VICE PRESIDENT. It is what is known as the 14 chapters.

Mr. CUMMINS. I beg pardon of the Chair. I thought it was the amendment offered by the Senator from North Carolina on Saturday concerning some details in the bill.

Mr. OVERMAN. Those were adopted.

Mr. CUMMINS. The Senator from North Carolina advises me that those amendments were adopted. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1 of the proposed amendment strike out of lines 4 and 5 the words "to which he is not lawfully entitled" and insert "in violation of a statute or a lawful order of the President of the United States," so that when amended the section will read:

SEC. 1. That (a) whoever, for the purpose of obtaining information respecting the national defense in violation of a statute or a lawful order of the President of the United States, approaches, goes upon, or enters, flies over, or induces or aids another, etc.

Mr. CUMMINS obtained the floor.

Mr. WORKS. Mr. President—

Mr. CUMMINS. I yield to the Senator from California.

Mr. WORKS. I regard this as a grave piece of legislation, affecting the liberties of the people of this country, and I think Senators ought to hear what is said on the subject. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hardwick	Martin, Va.	Simmons
Borah	Hollis	Martine, N. J.	Smith, Md.
Brady	Husting	Myers	Smith, Mich.
Broussard	James	Norris	Smith, S. C.
Catron	Johnson, S. Dak.	Oliver	Smoot
Chamberlain	Jones	Overman	Thomas
Clark	Kenyon	Page	Thompson
Cummins	Kirby	Pittman	Townsend
Curtis	La Follette	Poinexter	Vardaman
Dillingham	Lane	Pomerene	Wadsworth
Fernald	Lea, Tenn.	Ransdell	Works
Fletcher	Lodge	Robinson	
Gallinger	McClure	Shafroth	
Gronna	McLean	Sheppard	

Mr. VARDAMAN. Mr. President, I wish to again announce the unavoidable absence of the junior Senator from Tennessee [Mr. SHIELDS] on account of illness.

Mr. ROBINSON. Mr. President, the Senator from Delaware [Mr. SAULSBURY] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. OVERMAN. Mr. President, I beg to announce that the Senator from West Virginia [Mr. CHILTON], the Senator from New York [Mr. O'GORMAN], the Senator from Missouri [Mr. REED], the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. SMITH], the Senator from Minnesota [Mr. NELSON], the Senator from Connecticut [Mr. BRANDEGEE], and the chairman of the Committee on the Judiciary, the Senator from Texas [Mr. CULBERSON], are absent on official business at a meeting of the Judiciary Committee considering important matters.

Mr. SMOOT. Mr. President, I desire to announce the unavoidable absence of the Senator from Ohio [Mr. HARDING] on account of illness.

I also desire to announce the absence of my colleague [Mr. SUTHERLAND].

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. A quorum is present. The Senator from Iowa.

Mr. CUMMINS. I may be permitted, Mr. President, to restate my general attitude toward the legislation under consideration.

I recognize that there are weaknesses in our law on the subject covered by the substitute to the pending bill offered by the Senator from North Carolina [Mr. OVERMAN], and I shall be glad to join in an effort to strengthen within proper limits those weaknesses of the law; but I can not concur in legislation which makes criminal things that all of us do every day of our lives, and which will impose criminal penalties upon a very large proportion of the American people if the law is enforced.

I intend to offer a series of amendments to the bill, as at present advised, 14 or 15 in number. If all of them are adopted, the measure will still be an exceedingly stringent regulation of American life, a regulation which I venture to say is more arbitrary, more rigorous than any country on the face of the earth ever adopted in time of peace. I say this because I do not want to have it supposed that I am endeavoring to deprive the Government of any reasonable weapon for the national defense.

The amendment which I have just sent to the Secretary's desk, being the first of the series, proposes to strike out, in chapter 1, section 1, page 1, in lines 4 and 5, the words "to which he is not lawfully entitled," and to substitute for them the words "in violation of a statute or a lawful order of the President of the United States."

In order that the significance of the amendment may be fully appreciated, I must repeat very briefly my comment upon this part of the section made on Saturday last.

As it is now before us, the section proposes this:

SECTION 1. That (a) whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, approaches, goes upon, or enters over—

Certain places that cover the entire military operations of the United States and all other places which may be designated by the President. I remarked on Saturday, and reflection has simply deepened my conviction, that it is utterly impossible for any man, however well trained he may be in the law, to determine whether he is or is not lawfully entitled to the information which he may seek. There is no statute now upon the subject; there is no order of any executive officer upon the

subject, except as such orders have been made in recent days, covering certain offices and certain places in which our military work is being conducted. I have no objection to such an order, and any man who disobeys the order, who enters any of the places, entrance to which has been forbidden by the President of the United States, in order to secure information, however innocent he may be in his desire to use the information, ought to be punished, for I am a respecter of law and authority. All I desire is that before I become a criminal, I may be advised and informed of the mandates of the law, so that an innocent act may not be turned into a criminal act, without any intent whatsoever.

Mr. WORKS. Mr. President—

Mr. CUMMINS. I yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator whether, independently of any order of some constituted officer, every American citizen has not the lawful right to inquire into the affairs of government, including our national defense?

Mr. CUMMINS. I think he has; and it will be observed that my amendment proceeds upon that theory. My amendment states:

That, whoever for the purpose of obtaining information respecting the national defense in violation of a statute or in violation of a lawful order of the United States.

Mr. WORKS. The Senator from Massachusetts [Mr. LODGE], in passing, says "and published in the newspapers." Well, wherever it may be published, the people of this country have a right to know what is being done by their officers. I am not defending the newspapers, because just now I think the way in which the newspapers of this country are being conducted is perfectly outrageous; but I insist that every American citizen has the right to know what is going on in this country, if this is a Government of the people.

Mr. CUMMINS. I agree with the Senator from California. I do not want to have it supposed or believed that if these amendments are adopted the law is one that would meet the approval of an unprejudiced patriot; but we have the bill before us, and I am trying, as best I can, to eliminate its most objectionable parts, and I think that I meet in my amendment the view of the Senator from California, because it would be then provided that if the citizen does any of these things in violation of the statute—and we may assume that Congress will not pass an unconstitutional statute—or if he does it in violation of a lawful order of the President, then he becomes amenable to the penalties of the paragraph. The people of this country are entitled to that protection. They are entitled to know within reasonable limits and with reasonable certainty what they may and may not do.

Mr. VARDAMAN. Mr. President, does the order of the President become a law except in time of war? Does the Senator's amendment give the President authority to write a law just by proclaiming a rule?

Mr. CUMMINS. The amendment that I am now considering does not give the President any authority; it simply recognizes the authority he has under the law. I am not very sure about my opinion on that point; but I assume, for instance, that the President's order issued the other day, excluding visitors from the War and Navy Departments or offices, except when provided with a pass or with some other form of credential, is a lawful order. I do not know but I assume it is within his power as Commander in Chief of the Army and Navy. But however that may be, I do not attempt, in my amendment, to decide the question. All I ask is that a man shall not become criminal when he is seeking this information unless, in entering upon the premises or in approaching the premises, whatever they may be, he is violating either a statute which has been passed by Congress or a lawful order of the President.

I submit, Senators, that we can not do less than is provided in my amendment. Is it possible that we have reached a time when we are willing to subject the people of this country to the risks, the hazards of the arbitrary will of a prosecuting officer, and put upon the citizen the onus of discovering whether he is or is not lawfully entitled to the information he seeks, without a word in the law defining his rights, without a word in any order that may be issued by the Executive prescribing his rights or forbidding him to do the thing which he is doing?

I can not understand the state of mind which proposes any such legislation as this paragraph presents. I am sure that the Senator from North Carolina will agree with me that every instance that has been mentioned in the Senate during the consideration of this bill as being an instance in which it was desirable to punish the offender will be within the statute as it would be if my amendment were adopted. I challenge any Senator to give any instance in which a guilty man could es-

cape even if every amendment which I present shall be adopted. I have attempted in this amendment simply to exclude the operation of the law in bringing within this great net persons who are innocent of every moral offense and innocent of any intent whatsoever either to violate the law or to injure their country.

I have the most earnest hope that the Senator from North Carolina, in charge of the bill, will see the propriety, the wisdom of accepting, in so far as he can, this amendment; and what I have said about it applies with equal force to all the amendments I shall offer.

In order that those who are here now who were not here when it was read may hear the amendment, I ask that it be stated from the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out of lines 4 and 5 the words "to which he is not lawfully entitled" and insert "in violation of a statute or a lawful order of the President of the United States."

Mr. CUMMINS. I ask that it be read as it would read with the amendment adopted.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That (a) whoever, for the purpose of obtaining information respecting the national defense—

Mr. CUMMINS. I will read it, because I understand its connection, probably, better than the Secretary.

The SECRETARY (continuing)—

in violation of a statute or a lawful order of the President of the United States, approaches, goes upon, or enters, flies over, or induces or aids another to approach, etc.

Mr. CUMMINS. That is sufficient.

Mr. OVERMAN. "Whoever, for the purpose of obtaining information respecting the national defense in violation of a statute or a lawful order of the President of the United States, approaches, goes upon," and so forth; that is the way it will read.

Mr. CUMMINS. Yes; that is correct.

Mr. OVERMAN. Mr. President, I think the Senator is seeing ghosts. I want to say to him that every single, solitary one of the extreme cases that he has cited here is of a kind for which no man would ever be prosecuted or punished.

Why, take the case he talks about—the poor woman going up to the Navy Department and inquiring about her son, because she wants to know when the Army is coming back, and all that sort of thing, for which, it is asserted, she would be liable to punishment under this bill. Does the Senator think any district attorney would ever present a bill, or anybody would ever file a complaint, or anything would be done about that?

The trouble about it is that you limit us here to a statute when we have no statutes upon this subject. That is the trouble. We have no law on the subject. This Nation is the weakest nation on earth in that respect. Why, the Attorney General has had men out to try to enforce the neutrality laws, and we have no laws to enforce. He has had cases, and these bills are gotten up to meet cases, where the law is not only deficient but we absolutely have no law.

Now, what does this provide?

"Whoever goes upon or approaches"—for what? "For the purpose"—that is what it says—for the purpose of what? "For the purpose of obtaining information." What business has any citizen of the United States going in or upon the radio stations or the naval stations or into the great war-defense stations of the United States for the purpose of getting information? The Senator from Iowa would not do it without some authority.

Mr. CUMMINS. But, if I may be permitted to interrupt the Senator from North Carolina, this bill is not limited to radio stations and docks and arsenals, which can be covered, of course, by an Executive order.

Mr. OVERMAN. Why, Mr. President, it names the places, and everything that is named here has reference to the national defense.

Mr. CUMMINS. It names them, and names everything else in the country at the same time.

Mr. OVERMAN. Oh, Mr. President, let us see what it names. "Whoever * * * goes upon * * * for the purpose of obtaining information," and so forth, "shall be punished." That is what he goes for. He goes as a spy. That is what this bill is for—to punish spies. I want to say that this bill is not nearly as drastic as it was when it came to us, because it did make them spies in many instances, and we struck it out. It is not as drastic as any law upon this subject adopted by any other country. This is a Republic, as the Senator has said. We have not gone as far as some other countries, but we have considered this matter, and, as the great Senator from Utah [Mr. SUTHERLAND] said in reply to the Senator from Iowa, this matter is covered

by using the words "not lawfully entitled." That means against any statute of the United States or against any rule or regulation prescribed.

Now the Senator wants to limit us to a statute. We will have to go to work here and pass a thousand statutes or more if you limit it to that. This language is general. It does not particularize. Any man who goes in and on and approaches the places named for the purpose of obtaining information on these matters is punishable under this law. What business has any man to go, without lawful authority, in and upon our national-defense stations for the purpose of getting information? Why, there is no American citizen who needs to have the information unless he goes by lawful authority; and if he goes without lawful authority he ought to be punished, because he goes for the purpose of giving the information to an enemy.

Therefore, Mr. President, I hope this amendment will be voted down, for I see no need of it. Why, Senators, we had this matter considered by two of the ablest Senators on that side, two as able lawyers as there are in the United States, and we had lawyers on this side as able as any in the United States, and they say that this expression, "without lawful authority," is sufficient to protect the innocent man. I tell you here and now that any innocent man in the cases cited will be protected. You have got to leave some discretion in the district attorney. Nobody will file a complaint in a perfectly innocent case, like that of the woman going up here to the War Department. That is one of the extreme cases that some great lawyer like my friend here can find to cite. As a matter of fact, it is impossible to punish her. No district attorney, as I say, would file a bill against her; no man would file a complaint, and no jury would convict her.

Mr. WORKS. Mr. President—

Mr. CUMMINS. Mr. President, if the Senator from California will allow me, I desire to correct one statement. I did not bring forward the instance about the widow or the mother going to the Secretary of War.

Mr. OVERMAN. I know the Senator did not, but it was done.

Mr. CUMMINS. That was brought forward by one of these great lawyers—and he is a very great lawyer—to whom the Senator from North Carolina referred, namely, the Senator from Montana [Mr. WALSH]. He said that this law would cover just such a case as that.

Mr. OVERMAN. I do not agree with him; and he is opposed to this amendment of the Senator from Iowa. Therefore, Mr. President, I do not see why it is not covered; and the innocent will be protected. This is intended in order to protect our Government against spies. Why, there are 100,000 spies in this country to-day, I am told, and more. Are we to have no law in this country to protect our naval stations, our marine and submarine bases, our dockyards, our canals, our arsenals, our factories, our mines, our telegraph stations, our wireless stations? That is all that is mentioned in this chapter; and in others the prohibition is extended to whoever lawfully or unlawfully has possession of, access to, control over, or is intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, and so forth—all applying to the national defense; in other words, our secrets in regard to the national defense. If he communicates it or transmits it, and so on, he ought to be punished. A man ought to be punished if he has these things in his possession and communicates them to the enemy or anybody else.

Mr. WORKS. Mr. President, as has been said by the Senator from Iowa [Mr. CUMMINS], this bill did not originate in the Senate. It did not originate in the mind of any Senator. It came out of one of the executive departments of the Government fully formed, ready for enactment. It is shocking to me that any officer of the Government should even suggest, much less recommend, legislation of this kind. It absolutely closes the door against any inquiry or any effort to obtain information by any and every citizen of this country relating to our national defense.

If the Czar of Russia should ever see this legislation, if it becomes a law, he would turn green with envy at the extent to which the Government of the United States has gone to close the eyes and stop the ears of its citizens against any information as to what the Government is doing.

The Senator from North Carolina says that it only prohibits these things as a means of gaining information—not information obtained with any ulterior or improper motive, or in order that any improper use may be made of it, as in the case of a spy, for example. We are spending millions and millions of dollars for the national defense. The people of the country are compelled to bear that burden, and if any one of them or any body of them should undertake to obtain infor-

mation as to whether that money is being properly expended as provided in the appropriations he would, under this proposed statute, be a criminal, subject to fine and imprisonment.

The question as to who would be lawfully entitled under this act to obtain information of that kind may be a matter of debate. It is entirely uncertain. Generally speaking, I suppose any American citizen would have the right to ask for information respecting any of the affairs of the Government, but I called attention on Saturday to the fact that another section of this chapter of the bill evidently shows that the intention is to confine it to officials, because in section 6 it is provided that persons other than officers and employees of the United States duly authorized shall not be entitled to do these things.

Mr. President, there may be occasions when it is absolutely necessary that the proceedings of the Government should be kept secret, not only in time of war but at other times of peril or stress.

Mr. OVERMAN. Mr. President, before the Senator passes from that point, I will say that it has been stated here several times that this is a bill sent down here by the department. I want to repeat what I said on Saturday, that the President of the United States, the Secretary of the Navy, the Secretary of War, the Secretary of the Treasury, and the Attorney General did get together, and all of them appreciated our great weakness along this line; and they directed the Attorney General to draw up certain proposed statutes as recommendations to the Congress that it was imperative to have enacted into law. They sent them down in the nature of recommendations. Now, I do not think the Senator intended to say that the bill we are now considering here is just as it came from the Attorney General or the Secretary of War. I am sure he did not mean to say that, because he knows that is not true. He was with us and helped to amend this section and amend it very materially.

Mr. WORKS. No; I did not say that, Mr. President.

Mr. OVERMAN. I thought the Senator did not intend to say it.

Mr. WORKS. This bill originated in one of the executive departments, however.

Mr. OVERMAN. Why, of course; it was sent here as a recommendation.

Mr. WORKS. Some changes have been made in it by the Judiciary Committee, I am glad to say; but with respect to this particular chapter, the Judiciary Committee has not made it any better. It is just as bad now, in the particular to which I have called attention, as it was when it came out of the office of the Attorney General.

As I was saying when I was interrupted, there are cases when it is perfectly proper that officers of the Government having the national defense in charge shall prevent information becoming public. That is necessarily true in time of war. There may be special occasions in time of peace when something of that kind may be properly done, but generally speaking, the condition of the country, whether it relates to the national defense or something else, ought not to be concealed from the people of the United States, and I protest against it.

The amendment offered by the Senator from Iowa certainly would help that situation somewhat, because it would require in advance either that the Congress of the United States should forbid a certain thing by statute or that the President in the performance of his duty as President or as Commander in Chief of the Army and Navy of the United States should issue some order preventing citizens from making inquiry and obtaining information about specific things. But this general provision, it seems to me, is perfectly unjustifiable and un-American.

Mr. TOWNSEND. Mr. President, I have not been able to hear all that the Senator from Iowa has said in reference to his proposed amendment, but there are two or three things involved which are somewhat confusing to me. The committee uses the expression "to which he is not lawfully entitled," which would indicate that if there was no law on the subject no one would be entitled to information. The Senator's amendment states "in violation of a statute," which supposes that there is a statute. I do not understand that at present there is any law on that subject. The second provision of his amendment is "or a lawful order of the President of the United States." The query with me is, Can the President make an order prohibiting people from obtaining information which is prohibited in the committee provision?

I am thoroughly convinced that inasmuch as Congress has entered upon an extensive program of preparation it is wise that there should be some control over the bases of supplies, the munition factories and other institutions that are operated for the purposes of the Government in this war emergency. Therefore, I ask him—and I speak of this because I want the opinion

of the Senator from Iowa in reference to the language of his amendment—first, does he agree that there is no statute now on the subject?

Mr. CUMMINS. I do not know of any statute forbidding any person from approaching or going upon the premises which are described.

Mr. TOWNSEND. There would be no violation of a statute if any individual did go on the premises described?

Mr. CUMMINS. Not unless we enacted a statute to prohibit it.

Mr. TOWNSEND. Does the Senator believe that the President without any act of Congress could make a lawful order forbidding people from going on these premises?

Mr. CUMMINS. On some of them, yes; on others, no. I have no doubt the order which forbids visitors entering the office of the Secretary of War, or the Secretary of the Navy, or the navy yard, and all such other places connected with the Army and Navy, was a valid order, and that anyone who would enter such a place in view of that order for the purpose of securing information of the national defense would violate the provision as it would be if my amendment were adopted.

Mr. TOWNSEND. Does the Senator believe that the President would have the authority to issue an order prohibiting an aviator from sailing over the forts, arsenals, and other war and naval stations mentioned in the bill?

Mr. CUMMINS. Forbidding a citizen of the United States?

Mr. TOWNSEND. Any person.

Mr. CUMMINS. I rather think he would, although I am not sure about it.

Mr. TOWNSEND. If I were certain the Senator's provision would enable the President to issue an order for protecting these various things, I could see no objection to the Senator's amendment; but if it is intended that there shall be no statute and no possibility of issuing a lawful order to protect these various things, it seems to me we would make a very serious mistake if we failed to properly legislate. The reason that we have not done this in the past has been due to the fact that there has been no danger apprehended, but at the present time we are entering upon a very extensive program of preparation, and unless we protect from designing people these various institutions of ours, it seems to me, Congress would be derelict in the performance of its duty. But, I repeat, if I thought the President had the right to make this kind of an order I could see no objection to the amendment of the Senator from Iowa.

Mr. CUMMINS. Mr. President, may I ask the Senator from Michigan a question? Is he willing to forbid everybody from obtaining any information with regard to the national defense?

Mr. TOWNSEND. I do not think that is the purpose of this provision. No; I would not be in favor of it. I think Congress has the right at any time to obtain information and to authorize people to obtain that information. It can pass a statute to correct any abuses that might be made by this statute. But the prohibition suggested by the Senator evidently is not the purpose of this proposed law.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Michigan yield to the Senator from California?

Mr. TOWNSEND. I yield.

Mr. WORKS. I have no doubt the Senator from Michigan is right—that that is not the purpose of this bill—but I insist that that is the effect of it; and I should be glad if the Senator would give that pretty close attention, because that is the important question.

Mr. TOWNSEND. I certainly would not want to do that. If this provision was to be enforced technically for the purpose of preventing proper intelligence going to the people, of course I should very seriously object to it. I have done what I could do honorably to avert war, and I shall continue so to do; but I recognize the serious portents which threaten our Republic. At the same time I am going to the limit of my ability to provide for the adequate protection of my country against reasonably possible dangers and I want to surround our institutions of defense and preparation with such safeguards as would prevent their destruction by an enemy or anybody in the employ of an enemy. I would rather err on that side at this time, so far as that is concerned, knowing that Congress has power at any time to pass a statute to right an evil, than to leave the thing wide open without the proper protection.

Mr. CUMMINS. Mr. President, I desire to reply for a moment to the Senator from North Carolina and the Senator from Michigan. I think it is true that the President has the power as Commander in Chief of the Army and Navy, the military forces of the country, to exclude citizens from the places in

which these operations are being carried on or places which are directly a part of our military preparation. The President has exercised that power already. I think he has wisely exercised it, and I have no quarrel with him; but I can not agree with the Senator from Michigan with respect to the necessity or wisdom of simply excluding all American citizens from all information concerning the national defense. I may be willing that our people shall know nothing about the Army, if that be the warlike notion at the present time; I may be willing that they shall not know the name of a single ship in the Navy, if that be necessary in order to make our Navy effective; but I am not willing that citizens shall be excluded from the broad field of public welfare which is connected with the national defense.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I yield.

Mr. OVERMAN. Did the Senator vote for the joint resolution of 1911?

Mr. CUMMINS. I do not know.

Mr. OVERMAN. The joint resolution for the protection of the national defense?

Mr. CUMMINS. I do not know whether I did or not.

Mr. OVERMAN. The same language was used in the joint resolution of 1911, and no man was even punished or indicted under it. Congress passed the joint resolution in the same language that is employed here. The Senator did not complain then.

Mr. CUMMINS. I am not complaining now.

Mr. OVERMAN. It reads, "That whoever, for the purpose of obtaining information respecting the national defense, to which he is not lawfully entitled, goes upon any vessel," and so forth.

This was the act of 1911, 36 Revised Statutes, and all the hobgoblins the Senator has stirred up here never occurred under that act. Here is the joint resolution of 1911, and the Senator will see that that language was in it.

Mr. CUMMINS. Let me see it. The Senator asked me whether I voted for it. I do not know whether I did or not. My attention was not called to it. I venture to say, without any knowledge at all, that it is essentially different from the bill we now have before us, and either I will be confounded by reading it or the Senator from North Carolina will be overthrown, one of the two. I will read it:

That whoever, for the purpose of obtaining information respecting the national defense, to which he is not lawfully entitled, goes upon any vessel, or enters any navy yard, naval station, fort, battery, torpedo station, arsenal, camp, factory, building, office, or other place connected with the national defense, owned or constructed or in process of construction by the United States, or in the possession or under the control of the United States or any of its authorities or agents, and whether situated within the United States or in any place noncontiguous to but subject to the jurisdiction thereof.

I have now read what is the equivalent of paragraph A in the act of 1911. I give no assent to the act of 1911, but it is so radically different from the proposed act that it ought not to be cited in its support.

Mr. OVERMAN. I cited it only to show that the very language the Senator complains of in this bill was employed in the joint resolution, that is all.

Mr. CUMMINS. Does the Senator mean the entire language?

Mr. OVERMAN. The language which is used and which the Senator wishes to strike out in this paragraph: "That whoever, for the purpose of obtaining information respecting the national defense, to which he is not lawfully entitled." That is what the Senator proposes to strike out from this bill.

Mr. CUMMINS. The Senator confines his comparison to that?

Mr. OVERMAN. Surely.

Mr. CUMMINS. In that respect he is right, but there is a vast difference between such a law when applied to the ships and boats and camps and arsenals and docks and applied to the places which are authorized in this bill. Let us see. The Senator from North Carolina says he wants to exclude people from these places in which military preparations are going on. The Senator from Michigan [Mr. TOWNSEND] says he wants to prevent people getting information and conveying it to an enemy. I do, too. I think a man who enters upon any place or approaches any place in this country that is even remotely connected with the national defense for the purpose of conveying that information to an enemy in time of war, or even conveying it, if you please—I will go that far—to a friendly nation in time of peace, ought to be punished; and in the former case ought to be punished with the greatest severity. I would be willing to attach to that crime a penalty that would only end with the natural life of the person convicted of the offense.

Mr. TOWNSEND. May I interrupt the Senator? The Senator made a statement a little while ago to the effect that he did not agree with the Senator from Michigan, who would prevent our citizens from obtaining information. The Senator from Michigan never made any such statement. The Senator from Iowa asked me a question, and I told him no, I could not agree with him; that I did not think that was the intent of the law.

Mr. CUMMINS. May I ask the Senator from Michigan, why did not the persons who drew the law confine it to that?

Mr. TOWNSEND. I do not know why they did not, unless, I suppose, they did not imagine the point would be raised on it, because that is not the object of the statute, evidently. If it can be safeguarded, I would be very glad to have it done.

Mr. CUMMINS. That is all I am trying to do, to safeguard it so that it will not be used to persecute men who are innocent of any desire to injure their country or to aid or abet an enemy.

Now, I point out, if I may be permitted to do it, the vast difference between the present law and the proposed paragraph. If the present paragraph is so drastic and adequate, why repeal it and substitute anything in its stead? There must be some difference between the law of 1911 and the proposed law, or we would not be engaged here in endeavoring to enact another.

This person who goes upon these places for the purpose of obtaining information will find that if he—

approaches, goes upon, or enters, flies over, or induces or aids another to approach, go upon, enter, or fly over any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station—

I pause there to say that I have no doubt the President has power to exclude citizens from approaching or entering upon these places, and therefore my amendment would not at all weaken the statute in so far as these places are concerned. Then it proceeds—

building, office, or other place connected with the national defense—

I wonder if the Capitol is connected with the national defense? I wonder if the Senate Office Building is connected with the national defense? I do not know what the judicial construction of the words "connected with the national defense" may be, but I take it there is a rather intimate connection between the Capitol and the national defense—

owned or constructed, or in progress of construction by the United States, or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored under any contract or agreement with the United States.

This language extends the operation of the bill to every manufactory in the United States which has undertaken to construct anything for the United States in the nature of preparation for war. I read further:

Or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section 6 of this chapter.

Here is the part of the bill which is especially dangerous and objectionable, because I turn now to section 6, in order to inform those who are here and who were not here Saturday what other places the President may designate and which it will be a crime to approach for the purpose of securing information:

Sec. 6. The President of the United States shall have power to designate any place other than those set forth in paragraph (a) of section 1 hereof as a prohibited place for the purposes of this chapter.

That is the end of that grant of power, and it puts in the hands of the President the power and the authority to include the entire territory of the United States. There is no limit whatsoever to his authority in that respect.

Mr. OVERMAN. The Senator ought to have read the other line.

Mr. CUMMINS. No; I consciously did not, because I am about coming to the other line and will point out why it does not limit that authority.

The President of the United States shall have power to designate any place other than those set forth in paragraph (a)—

He can include any scene of activity in the whole country as a place which no citizen must approach for the purpose of obtaining information in any way related to the national or public defense. Now I proceed—

on the ground that information with respect thereto would be prejudicial to the national defense.

That is to say, if the President believes that information that could be secured in any of these places anywhere in the United States would be prejudicial to the national defense, he may include all such places within the prohibited category.

Now, I am not asserting, as I have repeatedly said, that any President would be guilty of so monstrous an act, but I am not willing to give him any power to be guilty of an act of that sort.

I know that he could exercise it to the very great disadvantage of the country, and he could in that way limit and restrict the liberties of our people far within the measure which they ought to enjoy. But that is not so bad after all as the thing which follows in section 6 is the climax, and I wish the Senator from Michigan would follow me there:

He shall further have the power, on the aforesaid ground—

That is, on the ground that information with respect thereto would be prejudicial to the national defense.

He shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments, or of other Government offices, as information relating to the national defense, to which no person (other than officers and employees of the United States duly authorized)—

Presumably by him—

shall be lawfully entitled within the meaning of this chapter.

Any words of mine characterizing the paragraph I have just read would but weaken the impression which I am sure must be left upon the mind of any Senator as he hears the clause read. The marvel is that such a thing could ever be proposed.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I do.

Mr. WADSWORTH. Does the Senator construe that language to mean, we will say, that a committee of Congress would not have the power to investigate the condition of the Navy Department or the War Department in the event the President had withdrawn those two departments from all inquiry?

Mr. CUMMINS. I do not know how I ought to answer the Senator from New York. Plainly the words give him, or attempt to give him, that authority, but the proposal is so shocking that I could hardly believe any court would ever give it that interpretation.

Mr. BORAH. If they did, the act would be unconstitutional.

Mr. CUMMINS. Certainly. But the collusions between this chapter and the Constitution are very numerous, and I hope to reduce them somewhat.

Mr. TOWNSEND. Is the Senator going to move to strike out section 6?

Mr. CUMMINS. I am going to move to strike out this part of it, and I am going to move to amend another part of it.

One more word and I shall have said all I care to say upon the amendment.

The Senator from North Carolina suggests that this bill has been very materially modified since it came from the hands of the Attorney General. I will not gainsay that although I doubt the extent of the modification; but it is sufficient to say, so far as we are at this moment concerned that paragraph (a) to which I am directing myself is in the exact terms in which it came from the office of the Attorney General. It has not been changed or amended in any respect whatsoever. I sincerely hope, Mr. President, that my amendment will be adopted, and upon which I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded?

Mr. CUMMINS. I am not doing that, of course, to cut off debate, but when the vote is taken I want to have it taken in that way.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. CUMMINS], and the Secretary will call the roll.

Mr. HUSTING. Let the amendment be read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 1, strike out of lines 4 and 5 the words "to which he is not lawfully entitled" and insert "in violation of a statute or a lawful order of the President of the United States."

The Secretary proceeded to call the roll.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the senior Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. THOMAS (when his name was called). In the absence of my pair, the Senator from North Dakota [Mr. McCUMBER], I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. UNDERWOOD (when his name was called). I desire to inquire whether the junior Senator from Ohio [Mr. HARDING] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. UNDERWOOD. Then I withhold my vote, as I have a pair with that Senator.

Mr. WALSH (when his name was called). I inquire whether or not the Senator from Rhode Island [Mr. LIPPITT] has voted? The PRESIDING OFFICER. He has not voted.

Mr. WALSH. I have a pair with that Senator, which I transfer to the Senator from Indiana [Mr. KERN] and vote "nay." The roll call was concluded.

Mr. SMOOT. I desire to announce the absence of the Senator from Ohio [Mr. HARDING] on account of illness. He has a general pair with the Senator from Alabama [Mr. UNDERWOOD].

I also desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. I desire that these announcements may stand for the day.

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the junior Senator from California [Mr. PHELAN] and vote "nay."

Mr. GRONNA (after having voted in the affirmative). I inadvertently voted on the roll call. I have a general pair with the junior Senator from Maine [Mr. JOHNSON], which I transfer to the Senator from Utah [Mr. SUTHERLAND] and will allow my vote to stand.

Mr. CATRON. I am generally paired with the Senator from Oklahoma [Mr. OWEN]. He does not seem to be present, and I therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. VARDAMAN (after having voted in the affirmative). Mr. President, I desire to ask if the junior Senator from Idaho [Mr. BRADY] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. VARDAMAN. I inadvertently voted. I have a pair with that Senator, and in his absence I will transfer the pair to the Senator from Arizona [Mr. ASHURST] and let my vote stand.

Mr. UNDERWOOD. As already stated, I have a general pair with the junior Senator from Ohio [Mr. HARDING]. In his absence I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. GRONNA. I observe that my pair, the Senator from Maine [Mr. JOHNSON], is now in the Chamber. I therefore withdraw the transfer of the pair which I made to the Senator from Utah [Mr. SUTHERLAND] and will let my vote stand in my own right.

Mr. CATRON. I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Utah [Mr. SUTHERLAND] and will vote "yea."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GORE] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. JAMES (after having voted in the negative). Has the junior Senator from Massachusetts [Mr. WEEKS] voted?

The PRESIDING OFFICER. He has not voted.

Mr. JAMES. I have a pair with that Senator, which I transfer to the senior Senator from Nevada [Mr. NEWLANDS], and will let my vote stand.

Mr. LEWIS. I have been requested to announce that the junior Senator from Kentucky [Mr. BECKHAM] is detained on official business.

Mr. DU PONT. Mr. President, I inquire whether or not the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. DU PONT. I have a general pair with that Senator, and will therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

The result was announced—yeas 28, nays 48, as follows:

YEAS—28.

Borah	Gallinger	Lee, Md.	Sherman
Brandegge	Gronna	Norris	Smith, Mich.
Catron	Hitchcock	O'Gorman	Smoot
Clapp	Jones	Oliver	Vardaman
Clark	Kenyon	Page	Warren
Cummins	La Follette	Penrose	Watson
Curtis	Lane	Polindexter	Works

NAYS—48.

Bankhead	Hughes	Nelson	Smith, S. C.
Broussard	Husting	Overman	Sterling
Bryan	James	Pittman	Stone
Chamberlain	Johnson, Me.	Pomerene	Swanson
Chilton	Johnson, S. Dak.	Randall	Thomas
Culberson	Kirby	Reed	Thompson
Dillingham	Lea, Tenn.	Robinson	Tillman
Fall	Lewis	Shafroth	Townsend
Fernald	Lodge	Sheppard	Underwood
Fletcher	McLean	Simmons	Wadsworth
Hardwick	Martin, Va.	Smith, Ga.	Walsh
Hollis	Myers	Smith, Md.	Williams

NOT VOTING—20.

Ashurst	Goff	McCumber	Saulsbury
Beckham	Gore	Martine, N. J.	Shields
Brady	Harding	Newlands	Smith, Ariz.
Colt	Kern	Owen	Sutherland
du Pont	Lippitt	Phelan	Weeks

So the amendment of Mr. CUMMINS was rejected.

Mr. WALSH. Mr. President, on Saturday last I said to the Senate, toward the close of the discussion on that day, that I would offer an amendment to the feature of the bill then pending. I ask that my amendment be now presented to the Senate.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 1 of the proposed amendment, lines 4 and 5, strike out the words "to which he is not lawfully entitled," and insert in lieu thereof "without the permission, expressed or implied, of one lawfully entitled to give the same."

Mr. WALSH. Mr. President, I merely desire to say in support of this amendment that the act denounced by the bill is not the securing of information concerning the national defense, as might be gathered from much of the discussion which has taken place. The act denounced by the bill is the going upon certain places, entering certain places, and so forth, and so forth, for the purpose of obtaining the information. It occurs to me that what we want to do is to punish the man who goes upon those places or who enters those places without permission to do so from some one who has lawful authority to grant such permission. Of course, if one were going there to get information to which he was lawfully entitled, he would undoubtedly secure or have permission to go there. I believe the bill would be improved, would be more definite in its character, and would more clearly define the crime to be punished by the adoption of the language which I have proposed.

Mr. OVERMAN. Mr. President, I should like to have the amendment again stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be again stated.

The Secretary again stated the amendment proposed by Mr. WALSH.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana to the amendment reported by the committee.

Mr. LEE of Maryland obtained the floor.

Mr. CUMMINS. The Senator from North Carolina has indicated a willingness to accept the amendment.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. LEE of Maryland. I am perfectly willing to yield to the Senator from Iowa.

Mr. CUMMINS. I beg pardon. I did not know the Senator had the floor.

Mr. LEE of Maryland. Mr. President, I mentioned in the debate on Saturday an instance of our lack of preparedness in connection with the construction of large movable guns. Since becoming accidentally acquainted some years ago with the conditions of our national defense in that respect I have made a point to try to keep in touch with the progress along that line, and to discover what, if any, progress in making these guns was being made. I went to the War Department a year ago and found out that nothing had been done. I visited the department this winter and ascertained that the six movable cannon, large movable guns of position, heretofore authorized have not yet been manufactured.

I am heartily in favor of this amendment, because in going to the War Department and taking the matter up with military men or others having knowledge of the subject for the purpose of agitating this question or mentioning it here on this floor, under this bill as originally drawn, I would be subject to indictment, I take it; but under the amendment of the Senator from Montana [Mr. WALSH] there would be an implied permission to make this inquiry about our preparedness until that permission were definitely withdrawn. I am inclined to think that the implied permission would save the citizen or the Member of Congress making apparently legitimate inquiry into the subject. So this amendment, Mr. President, is a very desirable one, in my humble judgment, in the interest of a proper public knowledge of the national defense, and should be adopted.

Mr. OVERMAN. Since examining more carefully the amendment suggested by the Senator from Montana, I hope it will not be adopted. I do not like the expression "without the permission, expressed or implied."

Mr. SMITH of Michigan. That is not all of the amendment.

Mr. OVERMAN. It reads "without the permission, expressed or implied, of one lawfully entitled to give the same." I hope the Senate will let the provision remain as it now stands. It is the same language as that contained in the act passed on March 3, 1911, from which I quoted when the Senator was not present. I repeat, that we have employed in this proposed statute the exact language used in that statute, no trouble has arisen because of that law, and no innocent man has been indicted or prosecuted. The law has worked well, but it is now

out of date. This provision in the pending bill simply seeks to enlarge that statute, but the language proposed is copied directly verbatim et literatim from the old statute.

Mr. WALSH. Mr. President, will the Senator advise us what the act of March 3, 1911, is?

Mr. OVERMAN. It is very much like the provision of the pending bill now under discussion. Our attention was called to the fact that that statute needed to be amended and enlarged, and this provision simply seeks to do that. I will read the provision in the act of March 3, 1911, to the Senator, and will ask him to note the words:

That whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, goes upon any vessel or enters any navy yard, naval station, fort, battery, torpedo station, arsenal, camp, factory, building, office, or other place connected with the national defense owned or constructed or in process of construction by the United States, or in the possession or under the control of the United States, or any of its authorities or agents, and whether situated within the United States or in any place not contiguous to but subject to the jurisdiction thereof—

And so forth. The Senator will see that the language employed in the provision now under consideration is exactly the same as that employed in that statute passed six years ago. I do not think it is necessary to modify it, and I hope the Senator will withdraw the amendment.

Mr. WALSH. Mr. President, let me suggest to the Senator from North Carolina that that would operate very unjustly in some cases.

Mr. OVERMAN. If the Senator will yield to me, I desire to call the attention of the Senate to the illustration the Senator gave the other day of an old lady going to the War Department and seeking information about her son and the whereabouts of the army in which he was serving. The Senator said that she might be guilty under this proposed statute of a violation of its terms. As I said at the time, however, and, as I now repeat, in a case of that kind nobody is going to file a complaint and no prosecuting officer would ever prosecute a case like that; no indictment would ever be presented and no jury would ever convict. So in the illustrations which have been given by the Senator from Iowa I can not imagine that anybody would ever present an indictment against a person in a case of that kind. We must, however, make the statute general.

Mr. WALSH. I quite agree with the Senator that no prosecution would be carried on in the case I have instanced; but, notwithstanding that fact, such an act falls under the condemnation of the proposed law. I should like to direct the attention of the Senator from North Carolina to the objection I find in the language he has suggested, quoted from the act of 1911. One goes to the commander of a fort or any other structure in connection with the national defense and asks permission to go inside to gather some information. That permission is granted to him. Now, he is not lawfully entitled to it, and yet he very courteously went to the commandant of the fort or the navy yard, or went aboard a man-of-war, or something of that kind, with the entire consent and approval of the commandant; he obtained some information that he wanted to get and which he told the commander he wanted to get, but to which he was not lawfully entitled; and he would be amenable to prosecution.

Mr. OVERMAN. Mr. President, I think if a man gets the permission of the commander, or if some one who is authorized allows him to obtain the information, and the commander then lets him have it, he would not be amenable to prosecution under the words "lawfully entitled."

Mr. WALSH. But suppose there is an order out that that permission should not be granted?

Mr. OVERMAN. Then he would not be entitled to have it.

Mr. WALSH. Exactly so, but he has permission to go there from the commander of the boat.

Mr. OVERMAN. But he goes there for the purpose of getting certain information, and he wants to use it for unlawful purposes.

Mr. WALSH. That is where we differ. I assume that the man wants to use it for a perfectly lawful purpose; that he wants to publish, for instance, for the information of the world something about a contrivance on board of an American battleship. Now, we will assume that there is an order out to all commanders not to allow anybody to get any information about that matter, but he does not know anything about that; he has never heard of such an order; it has not been published; it is a secret instruction that has been given to the commander. He goes to the commander, and the commander forgets about the order, or for some reason or other—it does not make any difference what it is—he allows the man to go and make the inspection, and he writes about it. He is amenable to prosecution under this proposed act. It occurs to me, Mr. President—

Mr. OVERMAN. He might be amenable to the statute. So persons are amenable to all criminal statutes that have been passed, and yet men are not prosecuted when they are innocent.

Mr. WALSH. I have submitted all I care to say, Mr. President.

Mr. FALL. Mr. President, if it is made unlawful for any person to do this thing under this bill, of course he is not excused on the ground of ignorance; if it is not made unlawful, then he can go, under the amendment of the Senator, if he can secure permission, and obtain exactly the information which it is the purpose of the law to prevent his obtaining. No one has any lawful right to do these things. The question is as to whether Congress will provide a penalty to prevent its being done.

The second objection that I find to the wording of the amendment is that the words "without the permission, expressed or implied," would simply give every spy in time of war or in time of peace a defense to work out technically in his trial before a jury. Everyone, if he surreptitiously, or by any method, obtains entrance to any of our works or our vessels—it makes no difference how he does it—if arrested, and if he did not have the express permission of the officer in charge to enter and obtain the information, would undoubtedly immediately set up the fact that his going there was in itself not unlawful, because the Senate of the United States had stricken out the words "to which he is not lawfully entitled," and that he had implied permission because he got there in some way. The very fact that sufficient guard was not kept to prevent his entrance would of itself enable him to make a defense before a jury upon his trial for violation of this act. I think that the intention of this provision is simply to broaden the act of 1911.

I have listened with a good deal of interest to the argument along this line. We have had for a great many years, for a hundred years or more, laws along this general line. Circumstances have developed, and it has become necessary from time to time to broaden these laws. The Senator in charge of the bill has called attention to the law of 1911, the language of which has been incorporated in this proposed law, and the object of the present section which we are now discussing is simply to enlarge the provisions of the act of March 3, 1911, to meet cases which have actually arisen, and for no other purpose.

We are prohibiting here, for instance, the obtaining of information by flying over a ship of war in an aeroplane; we are preventing the obtaining of that information by approaching a ship for that purpose without entering upon it: we are broadening the law as it stands now, and not making anything unlawful which was not unlawful before, except as new circumstances have arisen, just as I have suggested in the matter of the development of aero flight, the possibility of which was never dreamed of a few years ago, even as late as 1911. That is all that this bill, which has been so vigorously condemned, is designed to accomplish. It simply broadens the law as it stands, taking in other cases. Heretofore it was made unlawful to enter a ship or to enter a military post for the purpose of obtaining information, and now the language is simply broadened to prohibit the doing of other acts for the same purpose or to the same effect.

As I have said, to excuse a person for going upon a ship for this purpose by allowing him to offer in his defense that he had the implied permission of some subordinate in command of the ship or of the fort or of the work of harbor defense or munition factory, or whatever it might be, would simply be to offer a premium to spies instead of prohibiting their methods.

Mr. LEE of Maryland. Mr. President, I want to come back to the concrete case of those six guns and to draw the attention of the Senator from New Mexico to that case. I should like to have him consider that particular instance. If the Senator will listen to me, I will remind him of the instance. I just mentioned it here a little while ago.

We are absolutely defenseless so far as these large movable pieces are necessary to defense in modern war. We have not made, so far as I can ascertain, any of them. I did not imagine it possible that so important a matter had been vegetating for years—several years from the time I put a letter here in the records of the Senate stating that it was just being taken up and started with the War Department. I happened to mention the matter to a young officer of the Regular Army in the War Department this winter and learned from him that we were just as defenseless now with respect to those great guns as we ever have been. Now, Mr. President, was that inquiry a crime? I had no express right to be in the War Department to ask that question. There was an implied right in any citizen of the United States, there was an implied right in any Senator of the United States, to enter that department and get proper information as to the conduct of the public affairs, either from a legislative standpoint or as a voter in this country.

I do not understand the extraordinary nervousness and excitability shown in this bill. We can not discuss our unpreparedness under this bill. The Senator knows that these great guns can be made only in a few places in the United States. There are only a half dozen factories or arsenals, or perhaps not that many, where they can be made. Does any informed man suppose for a moment that the great Governments of Europe have not already placed their enlisted, paid informers in those gun shops? Why, they have them plentifully there; and yet, while these foreign Government know all about our defenselessness, under the terms of this statute we, or the people of this country, can not inquire and agitate to expedite making these guns for the defense of our coasts.

I want to call attention to the language of the President of the United States in his message to Congress on December 8, 1914. Speaking of this very question of preparedness, he says:

We shall not alter our attitude toward it because some amongst us are nervous and excited.

Mr. President, because we are nearer a possible climax likely to show the need of preparedness and apparently, taking this great gun incident, no nearer preparedness than we ever were years ago, shall we shut down upon all sources of information or possibility of publicly discussing this question so that we can meet it effectually and in manner appropriate in a free country? Is not the phraseology of this act, its actual scope, whether so intended or not, a protection to inefficiency in the War Department?

I know the Senator is not looking at it from that standpoint; but we have got to take the meaning of these words as written and we must consider the natural effect of these words. Supposing that some one in authority in the War Department, being somewhat galled under the criticisms of his own conduct, of his own lack of action for proper preparation, of the absence of these movable great guns that we need so much along our coast lines, should undertake to prosecute and imprison a citizen who ascertains that we are defenseless and proclaims the fact to the people of the country for the purpose of creating some kind of defense, when we all know, and everyone of us knows, that there is not one of these great gun shops of the country that is not sprinkled with the spies of foreign nations, who can tell their Governments just what we have and what we have not made! Such a silencing prosecution would seem to lie under the wording of this act.

Mr. FALL. Mr. President, as the Senator from Maryland has directed his remarks to me, I shall in a very few words undertake to answer them, if an answer is necessary.

The Senator from Maryland apparently bases his objections to this section upon the use of the word "building" or "office," and illustrates by recounting an incident where he had the temerity to enter the War Department Building, and there to ask information from some clerk or some one engaged in the War Department.

Mr. LEE of Maryland. Mr. President, may I correct the Senator for a moment?

Mr. FALL. Certainly.

Mr. LEE of Maryland. The information I referred to was given me by a Regular Army officer.

Mr. FALL. The Senator, then, as I understand, to be perfectly correct—and I want to be correct—had the temerity to enter the War Department and there to obtain some information from some officer in the military service of the United States. He concludes that he would be guilty of an offense under this act if he repeated that proceeding; and therefore, as he might possibly be prosecuted in the event he entered the War Department, he objects to the entire act as being such a high-handed procedure as he has never heard of in the history of any nation, I presume.

So far as the Senator's criticism upon the War Department is concerned, or the Navy Department, or any other department of this Government for dilatoriness in preparedness, or his implied criticism of the President for saying that it was not necessary for us to become prepared, he can wrestle with his own conscience and his own party. I have nothing to say upon that subject. I have this, however, to say as to this particular bill, and as to the instance which the Senator cites:

The Senator knows perfectly well that the Congress of the United States has the right, not prohibited by this bill, and that he, as one of its Members, has an absolute constitutional right to invoke that right of Congress in time of war or otherwise, to ask, demand, or secure information with reference to the national defense from the proper authorities. He knows perfectly well, of course, that it was within his power to offer a Senate resolution or a joint resolution or a concurrent resolution demanding information upon the subject which he was at that time investigating, and that with the official information

in hand, obtained, not simply from some one officer, but from the proper legal authorities capable of getting it, he could have formulated and advanced a criticism which the whole country would have heard.

We have all, possibly, seen matters in the conduct of the affairs of our Government which were subject to criticism. That is one of the defects of our form of Government. It is one of the defects which we are now seeking to cure by vesting in some one authority the power to protect the interests of the people of the United States, where such authority is not vested at the present time.

The Senator has said that we are in a crisis. We are; but to my mind the crisis now confronting the people of the United States is much more serious as it affects them nationally, as it affects their own form of Government and the perpetuity of their institutions, than is such crisis as dependent upon the result of present negotiations or failure to negotiate with certain countries of the world, no matter what the immediate result of such negotiations or failure to negotiate may be. In other words, I think the people of the United States are now on trial; that it is a question now as to whether this democracy is capable of continuing and perpetuating itself. The other democracies of the world—more pure democracies in many respects, more democratic in their form of government in many respects than this—have found that they were inefficient, that they were not prepared even to preserve their national lives or existence. The Socialist Briand, in France, has been vested with more authority than Napoleon Bonaparte ever had when he was the conquerer of the world—vested with that absolute dictatorship and authority by a democracy purer than ours, more nearly a democratic government than ours, because they found that the democracy itself could not compete with the autocracy headed by the Kaiser and the national efficiency worked out by the most autocratic Government in the world.

The same thing has been discovered with relation to another democracy, which is even more democratic in many respects than ours—that of Great Britain. They have found that it was absolutely inefficient, that it was incompetent, when it was confronted with the efficiency and competency of the autocracy of the Kaiser; and it has been necessary for that great democracy of Great Britain to confer the most absolute autocratic power upon Lloyd George, the most radical statesman whom Great Britain has ever known, the man who has gone further toward State socialism in Great Britain than any other prominent statesman has ever been able to go, and who has carried the people of Great Britain with him.

I say to you now that you yourselves, this legislative body, are incompetent and inefficient. You are proving to the people of the United States every day your inefficiency and your incompetency to take care of the affairs of this Government. You are doing it either by acts of omission or by acts of commission every day of the world. It is a question as to whether we can preserve our form of government and protect ourselves in a crisis—an international crisis and a national crisis.

I say that while I have no reason personally to entertain any feeling of friendship of any kind or character for the present occupant of the White House, while I have been as severe in my criticisms of him, of his acts, or rather of his failure to act, as any Senator or any man in the United States, I believe that it is absolutely essential to the salvation of this Government now that some man who will act shall have the power to act in times of emergency. I believe that it is necessary that we should have laws which will enable us to control the spies of foreign countries, who, as the Senator says, now have access to the intimate secrets of this Government for its national defense. I believe that the Congress of the United States should vest in the Executive Department at this time absolute, arbitrary powers; and I believe that without that this Government itself and the perpetuity of our democratic institutions are at stake. For that reason I am willing to yield something of my previous convictions with reference to one-man power. I am willing to support the man whom I have criticized as strongly as any man in the United States has criticized him, just as far as he will allow me to support him—not, I may say, as the leader of a party who comes to the Capitol and seeks advice only from the members of his own party; not that form of support, but I am willing to support him as the President of the United States, in whom is vested the executive authority, and who stands before the people of the world as the representative of this great Government of ours. To him I am willing to yield authority, and I am willing to vest him with the power necessary to carry it out. I am willing to trust to the courts to see that justice is done to the Senator in the event that he, as a Senator, seeks to set the War Department right upon some matter concerning which they have been negligent, or which they have overlooked.

The Senator knows that under this law, making it unlawful, he would neither be prosecuted nor would he be convicted by any court or by any tribunal before which he was tried, if he repeated exactly the experiment which he undertook to carry out and to which he has referred. The Senator is a lawyer, and he knows it. The Senator knows that there must be criminal statutes, general rules, prohibiting all manner of offenses. There is a general law, and it must be a general law, prohibiting the taking of human life by another; and yet there are exceptions, there are defenses to every law, and the courts are the place to make them, under a proper defense of justification, for instance.

The Senator knows that no matter what indictment or information might be laid upon such an offense as he is reciting, in any court the indictment would go down upon a statement of the case; and he, a Senator, interested in the welfare of his country, calling the attention of any official of this Government to a matter of the kind to which he has referred, seeking information with respect to it in behalf of his country, walking into the War Department, knows that he would go with impunity. He knows that he would never be indicted, and he knows that no jury of his peers would ever convict him for such a supposed offense, any more than a man justifiable under the laws of a State would be precluded from pleading self-defense, although there is a general statute prohibiting homicide.

Mr. PITTMAN. Mr. President, I do not take it that this paragraph is attempting to prevent a person from going into a navy yard or on a vessel, or to make it a crime to go into a navy yard or a crime to go on a vessel. If that were the declaration of the paragraph, I would understand the amendment of the Senator from Montana, because then it would be a crime to go on a vessel or into a navy yard without the permission of those in charge.

That, however, is not the object of the paragraph. It is not the stated purpose of it. It states very plainly that it applies to whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, shall do certain things. The crime does not consist in going into a navy yard or going on a vessel, but the crime consists in going there with a criminal intent, for a criminal purpose. The Senator from Montana, under his amendment, permits a man to go there for a criminal purpose, for the purpose of criminally obtaining information, against the law, simply by the implied consent of some one in charge of the work or the vessel. I do not believe that Congress desires to allow anyone to unlawfully obtain the information with regard to our vessels or our navy yards simply upon the implied consent of anyone; and yet that is what his amendment means.

If the Senator wants to place a different section in this bill, or a different paragraph, stating that no one shall go into a navy yard or on a vessel without the permission of the officer in charge, I would vote for it; but I can not vote to allow anyone to unlawfully obtain information with regard to our Navy or its works upon the implied consent of anyone. I think that to adopt this amendment is going to destroy the effectiveness of this paragraph as a criminal statute, because a man can obtain the implied consent to go in a navy yard, and no matter on what pretext he obtains that implied consent he is not guilty, if his real purpose be to unlawfully obtain information to which he is not entitled. I certainly insist that this amendment would destroy the very purpose of the act.

Mr. LEE of Maryland. Mr. President, I think there is a misconception here of the ordinary methods of spies, and a mixing up of spy methods with the free habits of the American citizen. Now, a spy who wants to find out about a navy yard of the United States or a ship of the United States, or where and how great guns and their mounts are being manufactured by a private party under contract with the United States, enlists; he becomes a workman in that yard; he becomes a sailor in our Navy; he becomes a person authorized to go there and observe those details.

Why, Mr. President, do you suppose that signal book which was stolen off a United States naval ship was stolen by an American citizen who was wrongfully there? Quite the contrary. That signal book was stolen by an emissary of some foreign Government enlisted in the Navy of the United States and watching for every possible opportunity to steal any signal book or acquire any other information that would be to the good of his Government and bad for ours.

This law as framed strikes me as showing every sign of somebody being nervous and excited. It goes out and embraces a lot of innocent things that the American has been in the habit of doing and ought to do as a self-governing man, and makes those

innocent things crimes. It does not get by that any closer to the spy that stole the signal book off that ship. It does not get at the spy who will report to every Government in the world that we have not yet designed, completed, or manufactured the mounts for those six movable guns.

Mr. President, we should draw a great line in this proposition. There is one great line to be drawn between peace and war. That is one great line that this act does not apparently draw. Then there has got to be another line drawn, and that is between the normal, innocent habits of our people and the designing conduct of the spy. It is a very reprehensible thing to draw a statute in such wise that it can be used to prevent publicity in a republican form of government, that it can be used in such ways as to punish a citizen who is doing a patriotic thing in proclaiming that his country is undefended, and pointing out where her defenses should be strengthened.

Mr. President, there was nothing excited about the President of the United States when he gave that message on December 8, 1914, and I do not believe that the President is excited now, although it might be inferred from what has been said here in this Chamber that he has become so.

On December 8, 1914, the President said, in this same message:

It is right, too, that the National Guard of the States should be developed and strengthened by every means which is not inconsistent with our obligations to our own people or with the established policy of our Government. And this, also, not because the time or occasion specially calls for such measures but because it should be our constant policy to make these provisions for our national peace and safety.

More than this carries with it a reversal of the whole history and character of our polity.

Mr. President, there is a great newspaper combination in this country, there is a combination of men, who perhaps are acting within the limits of their convictions, in the Regular Army of the United States, to break down the larger part of the military efficiency of this country on land, as represented by the National Guard system of this country. The President of the United States has expressed himself in favor of the National Guard system of this country. Mr. President, I propose at an early date to show on this floor how for year after year, and especially during this great mobilization, there has been a series of things taking place that show that there has long been a combination in high official circles and the press against the National Guard, the most numerous portion of the land defense of the country. I deem it my duty to acquire all the information I can on that subject, and I do not propose to sit here quietly and help pass a law under which anyone of these emissaries of centralized power, anyone of these people that want to Prussianize the Government of the United States, can send me or any other citizen, inside or outside of the Senate, to jail because we inquire into and expose these attacks upon the National Guard system, or because we inquire into and expose the lack of preparation in the Regular Army.

Mr. President, this law goes too far. It is nervous and excited to a high degree. We have created in this country a free Constitution. Armies have been created before. Great battles have been fought throughout the ages. Armies and battles are but the common incident of the history of mankind, but the creation of a free Constitution and the maintenance of free institutions are something new, relatively speaking, in the history of the world. This great country represents that great idea, and will represent it, I hope, through all time to come; and for us, the chosen representatives of the people here, for the Democratic Party of all parties, the party that believes in the rights of the people and the rights of local self-government, for my party, the Democratic Party, to be guilty of such extraordinary, sweeping, statutory limitations of public rights as this law contains, Mr. President, is a shock to my party principles as well as a surprise.

I do not believe that the President of the United States is a party to this radical statute—certainly not to the extent that has been intimated. It is inconsistent with the calm dignity of his message, from which I have just quoted. It is inconsistent with the principles upon which he was reared and for which he stands in this country. It is inconsistent with the reasons for which he was put first in the White House, and then put back in the White House. I believe, Mr. President, that the public safety can be protected by a democratic and sane form of law-making, entirely free from the color of military dictation which this bill shows. I do not believe that the public safety renders it necessary for us to grant a power that might at some time be used to beat down the ordinary rights of the American citizen in the way that this statute makes it possible to beat them down.

There have been a great many occasions in the Senate when the Senator from Iowa [Mr. CUMMINS] and the Senator from California [Mr. WORKS] were inveighing against the alleged

encroachments upon the rights of Congress by the present administration with which I had no sympathy. I think when I first came into this body the Senator from Iowa [Mr. CUMMINS] was intimating that increasing the parcel-post package from sundry pounds to sundry other pounds was an encroachment by the administration on the rights of Congress in some way. I may not have accurately described the occasion, but I remember taking issue with him on that question at that time. Mr. President, on this occasion these critics, if they are criticizing the administration—and I very much doubt whether the administration is responsible—on this occasion these critics, as watchdogs of American liberty, let us say, are not upon a false trail. This is a serious proposition, and I am inclined to think that it has been most hastily presented and misrepresented in chapter first of this bill, the part of the measure to which I object. These objects could be attained by other language and other protection thrown around our land defenses, such little defenses as we have. God knows they are small; but I believe the proper protection could be thrown around them without this dangerous provision as against individual freedom to run on and on in times of peace.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 17, 1917, approved and signed the following acts:

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.;

S. 5632. An act for the relief of Aquilla Nebeker; and

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 7796. An act authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes; and

S. 8079. An act to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1906.

The message also announced that the House had passed resolutions relative to the life and public services of Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

The message further announced that the House had passed resolutions relative to the life and public services of Hon. JAMES P. CLARKE, late a Senator from the State of Arkansas.

HIGH COST OF LIVING.

Mr. BORAH. Mr. President, I wish to take this occasion to advert for a moment to another matter. The price of those things which enter into daily living, of everything which we wear and which we eat, has reached a point where it presents a national crisis. It has brought about a situation which it seems to me we can not longer afford to ignore, if there is any possible way by which we can intelligently and effectively deal with it. I read from an article in the New York Sun of yesterday:

Prices of common staple vegetables—potatoes, cabbages, and onions—have soared to such heights in the past two months that the average housewife is now compelled to consider them in the light of luxuries. They have reached a point where they are twice as expensive as in Civil War times. Apparently there are no substitutes for these very necessary items of food—all foodstuffs have been caught in the market swirl of high price—and the woman who buys for her family has to be ingenious indeed to figure out how to make a dollar go where a quarter or a half went before.

The other afternoon, on my way home, I dropped into a market and while there a woman came into the market, apparently the wife of a workingman, or a man of limited means at any rate, and began to price the articles in the market; and pricing them one after another seemed to be utterly astounded at the prices. Finally she turned and went from the market without making any purchases, with this ejaculation to herself: "I do not know what we are to do." It was simply tragic, as I witnessed it there.

I have no doubt that even in these times of certain kinds of prosperity that is the situation which confronts the wife of practically every workingman in the United States and the wife of every man who is drawing a limited salary. At a time when we are enjoying a period of prosperity, by reason of conditions particularly superinduced by the war, such as we have never before known in the history of this country, particularly along certain lines, there are literally hundreds of thousands

of people who are living on the ragged edge of hunger, who are worried from day to day and from month to month as to how they shall meet the situation which confronts them. I do not see how they clothe and feed their families. It is, to say the least, a harrowing situation.

I am aware, of course, as everyone is, that the war brought on a condition of affairs which had its effect upon prices. I presume that a certain per cent of the increase of prices of all articles, both clothing and food articles, has been brought on by reason of war conditions.

But, Mr. President, I am clear in my own mind that there are those operating in these products and articles who have taken advantage of the conditions presented by the war, and under cover of the fact that the war is supposed to have induced a rise of prices, have increased them through monopolistic combines and other combinations practically 50 per cent higher than otherwise they need to be by reason of any real conditions brought on by the war. Assuming that raises would be laid to the war, they have wrought their schemes of speculation and are making millions through combines and by speculation out of those things which constitute the necessities of life.

I do not know, and that is the reason why I rose, and the only reason, whether our laws, in the minds of those who must execute them, at present are sufficient and efficient to deal with this situation or not. I believe that they are if they were enforced. In that I may be in error. If they are not sufficient, they should be made so at once.

It was my purpose this morning to introduce a resolution addressed to the Attorney General, whose department I am advised has had to do with the investigation of some of these matters, and who, I presume, is in touch with the other departments of the Government, The Trade Commission, and so forth, to make inquiry as to whether or not, in the judgment of the Department of Justice, the laws at the present time are sufficient and efficient to deal with this situation. If they are not, before this Congress adjourns we ought to hear from that department and perfect these laws. I do not want Congress to adjourn and leave the officers whose duty it is to execute the laws without ample means to deal with the matter effectively. I do not want to see merely investigation; I want to see action, speedy and condign.

I am perfectly satisfied from investigations which I have made, both as to the facts and as to the laws, that this condition could be relieved and the high prices of products very materially changed by a proper enforcement of law. It may be that in some details they are not sufficient and efficient for the purpose, but generally speaking I believe that they are.

But I did not introduce the resolution because I thought I could express the purpose of the resolution here, and I sincerely hope that before this Congress closes, if the Attorney General and those who are in charge of these situations are not satisfied with the laws which are now upon the statute books and believe that they are inefficient for the purpose of protecting this situation, that that should be made known to Congress and that Congress may deal with it. If there is anything outside of actual war for which we could afford above all other things to remain in extraordinary session it is this.

I should like to see a specific statement from the department as to what is necessary, just such as it made here as to the neutrality laws in national defense. They have been dealing with the situation, attempting, I assume, to enforce the law, and are satisfied by this time as to whether or not the law is sufficient for their purposes.

A few days ago we were advised that by reason of an investigation which had been started and had partially proceeded the manufacturers of print paper had been brought to a position where they were willing to arbitrate and willing to have the prices of their product fixed by some arbitral tribunal, selecting, as I am informed, the Federal Trade Commission.

Of course, if they selected the Federal Trade Commission, they selected it as they would any other arbitrator, because the Trade Commission in and of itself has no power to fix prices. But, Mr. President, if a proper investigation conducted in an efficient manner has brought one class of people to a point where they are willing to have prices fixed, a sufficient investigation under proper laws would bring about a condition where others would be willing to answer as to why the prices which they are charging are made at this time.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I do.

Mr. FLETCHER. In this connection, if the Senator will permit me, I will say the experience of the Joint Committee on

Printing with reference to paper and the information which that committee has obtained leads quite to the conclusion—perhaps I will not be justified in stating it as an absolute fact, but the evidence is quite convincing—that the increased cost of machine-finished paper has been about six-tenths of 1 cent a pound for the last year, and the bills offered to the Joint Committee on Printing ranged all the way from 3 to 8 cents a pound over that figure. So whereas the increased cost on paper, and that refers to machine-finished paper, has been less than 1 cent a pound you can not get any of that kind of paper to-day for less than from 3 to 8 cents a pound more than was charged a year ago. There is something wrong somewhere. I can imagine that the condition with reference to machine-finished paper is quite as acute and needs remedying quite as much as print paper.

Mr. BORAH. Mr. President, according to statistics the prices of those things upon which the American people must live, if they live at all, have increased about 366 per cent in the last few months. There is no one who thinks for a moment that that is all due to natural causes.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I do.

Mr. JONES. I simply wish to ask the Senator for his view with reference to the situation in regard to some farm products. Potatoes in my section are selling for from \$50 to \$75 a ton; that is, the farmer, the man who produces them, is getting that price. Does the Senator think that that is the result of a combination or that we could reduce that price to the farmers by a legislative act?

Mr. BORAH. I do not know whether that is true or not. But if there is not a combination in one State that is no proof that there may not be elsewhere.

Mr. JONES. I understand that those who produce onions are getting \$100 a ton for them. It seems to me there must be some very material cause for those very high prices. Of course if it is done under a combination, we ought to punish that under the law; but if it is the result of conditions that actually exist in this country, whether of the war or lack of production or something of that sort, I do not see how we are in a position to reach those high prices.

Mr. BORAH. It is altogether probable there are some products which, by reason of loss of crops or small crops, have been affected in that way; but take the entire range of products upon which the American people live and there is scarcely an exception. The price upon practically all has gone up from 300 to 350 per cent. There have not been any such losses of crops in this country as that.

Mr. JONES. I have a letter here that I received this morning from a farmer of Walla Walla, Wash. He refers to this matter in a general way as a farmer, and he suggests a remedy in his letter. He says he is willing to have an embargo placed upon food products. He seems to think that is the reason why the prices are going so high, and while he is engaged in the production of those things he takes into account other people who do not see hardly how they can live if the prices continue to go up. He says here:

I was told to-day by a butcher that hogs would go to 15 cents a pound, live weight.

That would mean 15 cents a pound to the raiser of the hogs, not in the markets of the country for the packers, and so forth, but it would go to the man who raises the hogs.

Mr. BORAH. If it must go to somebody, I am glad it goes to him.

Mr. JONES. I am glad, too. It occurred to me that by legislation we would not be able to reduce those prices, at any rate to a man who produced these things, even if we wanted to do it. I sympathize with the suggestion of this man here, and I hardly see how the people who purchase these things are going to live if the prices go very much higher. It would be very hard for us to consider legislation looking to fixing prices to the men who produce these natural products.

Mr. BORAH. Of course it is not a noncomplex question; it is not a wholly simple proposition. I realize, in the first place, as I said in the beginning, the war has brought on high prices; undoubtedly it had its effect upon prices; that we all concede, and we must submit to it; but I have no doubt, either, it is somewhat like when we change the tariff laws, some merchant marks up goods, and when you come in and ask why he will tell you because the change of the tariff, when perhaps that particular article has not had any change in the tariff or it may have been reduced.

Mr. JONES. If the Senator will permit me, I am satisfied that that occurs pretty generally in the market where the man

who does not produce the natural product has the disposal of it. I think that is done pretty generally; but, nevertheless, we can not get around the fact that the prices of these natural products in the hands of those who produce them are very much higher than they were a few years ago. That seems to be pretty general; and in reference to the articles that the laboring man, for instance, must buy and consume I have not any doubt that the party from whom he directly buys in town does take advantage of the very situation the Senator suggests and adds on an unconscionable amount.

Mr. BORAH. Let me ask the Senator, does the Senator know how much that particular hog which the farmer sells at 15 cents represents in price when it gets to the consumer? It has gone up between the time it left the farmer and the time it reaches the table about 500 per cent.

Mr. JONES. I know it is pretty high in cases where they put on prices based on a fictitious proposition.

Mr. BORAH. It is only the fictitious price that I am addressing myself to. If it should be discovered and demonstrated that there are no fictitious prices, that this is a situation superinduced by natural causes—by the war and other conditions which have followed it—it would be a situation to which we must submit. I have not a particle of doubt—and I have been giving some attention to these matters in the last six months—but the larger portion of these prices is fictitious and that if the fictitious part were taken out the American people would have very little reason to complain about the situation. If the laws of our country are not sufficient to deal with it, they ought to be made so. If they are, they ought to be enforced to determine whether or not there are fictitious prices. If they are, whoever is responsible for them should be accordingly dealt with under the law.

Mr. BRANDEGEE. Mr. President, there is an appropriation, is there not, made by Congress at the disposal of the Department of Justice for making inquiry into such questions as the Senator has raised?

Mr. BORAH. I understand so.

Mr. BRANDEGEE. And if the department has reason to think there is any violation of the Sherman antitrust law it has a special appropriation for that purpose. Does the Senator know whether there is any shortage in that appropriation or not?

Mr. BORAH. No; I do not.

Mr. BRANDEGEE. Whether the Department of Justice has some funds to carry on this inquiry?

Mr. BORAH. No; I am not informed as to that; I do not know. But I do not desire, Mr. President, to charge that the Department of Justice has not been doing its duty. I think this, however: The nonenforcement of the law has been slack for a good while. I do not know whether it is by reason of the inapplicability of the law to the situation or the ineffectiveness of the law, or whether the fault rests elsewhere. To my mind the best thing that we could possibly do under this situation is to have some grand juries called near certain stock-produce exchanges and certain boards which are in fact boards of speculation. I believe that that would bring about some facts which would enable us to know more about the real situation as to these fictitious prices.

Mr. BRANDEGEE. Does the Senator mean stock exchanges or produce exchanges?

Mr. BORAH. Both.

Mr. BRANDEGEE. I do not intend to cast any reflection on the Department of Justice.

Mr. BORAH. I did not so understand the Senator.

Mr. BRANDEGEE. I simply have felt this way about it; That, in my opinion, we had about all the law which it was possible for the mind of man to devise for prohibiting combinations in restraint of trade. It seemed to me that if this tremendous rise of prices was fictitious, as the Senator said, the remedy was by inquiry to find who was in the combination to artificially and unlawfully raise the prices. I think it is of sufficient importance for the country and all of the people in it that if the department is short of funds to make this very necessary inquiry, or if it can do so on a scale that will make it efficient, then it is the duty of Congress to institute a nation-wide inquiry of its own through the proper instrumentalities and appropriate all the money necessary to carry it to a successful conclusion.

Mr. DU PONT. Mr. President—

Mr. BORAH. Just a moment. I ask leave to insert in connection with my remarks the quotation of prices here from the New York Sun.

The PRESIDING OFFICER. Leave is granted, without objection.

The matter referred to is as follows:

Comparing wholesale prices of just two months ago with the prices of yesterday it will be seen that potatoes have gone up 100 per cent, and

the price was high then; onions, 366 per cent; cabbages, 212½ per cent; beans, 300 per cent; beets, 100 per cent; and cauliflowers, 100 per cent.

HOW THE PRICES HAVE SOARED.

The comparison follows:

	Yesterday.	Two months ago.
Potatoes (Bermuda), barrel-----	\$8.00@ 11.00	\$4.00@ 8.00
Potatoes (Long Island) barrel or bag--	9.25@ 9.50	4.50@ 5.00
Potatoes (Maine), barrel-----	9.25@ 9.50	4.65@ 5.00
Beans, green (Florida), basket-----	6.00@ 12.00	1.50@ 3.50
Beans, wax, basket-----	5.00@ 10.00	1.50@ 3.75
Onions, old yellow, 100 pounds-----	14.00@ 15.00	3.00@ 3.75
Onions, old red, 100 pounds-----	12.00@ 13.50	3.00@ 3.75
Onions, old white, 100 pounds-----	11.00@ 12.50	3.50@ 4.25
Cabbage, Danish seed, ton-----	125.00@ 160.00	40.00@ 55.00
Cabbage, barrel-----	6.00@ 7.00	2.00@ 3.25
Cabbage, red, barrel-----	7.00@ 8.00	2.00@ 3.50
Beets, barrel-----	4.00@-----	2.00@ 2.50
Cauliflower (California), half crate--	1.50@ 2.00	.75@ 1.00
Turnips, rutabaga, barrel-----	2.50@ 3.00	1.75@ 2.00
Horseradish, 100 bunches-----	7.00@ 8.00	6.50@ 7.50
Tomatoes (Florida), carrier-----	1.50@ 3.25	1.50@ 3.00
Tomatoes (Cuba), carrier-----	1.50@ 3.00	1.50@ 3.00

A Washington Market merchant who glimpsed into the future bought onions at \$3 a bag and hung on to them until the price reached \$14 per 100 pounds. Then he let go and cleared up \$500,000 by his foresight.

He was quoted yesterday as saying that the supply of vegetables is so limited and the demand is so great that the market can not be held in check.

OTHER FOOD SPECULATORS BUSY.

He insisted that food speculators are not responsible for conditions, but he did admit that there is one commission firm in Norfolk which has a corner on all potatoes grown in Virginia this year. This firm contracted for these potatoes at \$1.50 to \$3 per barrel, and they are now letting them go into the market at \$9 to \$9.50.

Just a year ago yesterday fresh gathered eggs, known as "extras," were sold at wholesale at 25 to 26 cents a dozen. Yesterday's price for the same grade was from 46 to 46½ cents. The best cold-storage eggs cost from 19 to 20½ cents a dozen on February 17, 1916. The same kind of refrigerator eggs brought yesterday in the wholesale market from 42 to 42½ cents a dozen, or 4 cents less than "fresh gathered extras."

Creamery butter "extras" cost 34½ cents a pound a year ago. The wholesale price for the same grade of butter yesterday was 46 to 46½ cents per pound.

Mr. DU PONT. Mr. President, the problem as to the high cost of living is solved in at least one respect. We no longer hear, as was the case five years ago, that the high cost of living is entirely due to the former protective tariff. That was the doctrine enunciated by the successful candidate for the Presidency at that time and by the campaign orators who supported him. The truth is, in my opinion at least, that the high cost of living is largely due to a natural cause, that cause being the abundance of gold in circulation. Never before in the history of the world has there been so much gold in circulation per capita, and as gold is the yardstick by which all values are measured it is inevitable that when it is very abundant the prices of other commodities are enhanced, because gold by reason of its superabundance is gradually cheapened.

This is not a new experience in financial history. The same phenomenon occurred in Europe after the discovery of America. When, about 1520, the Spaniards conquered Mexico and Peru, they seized and sent back to Spain hitherto undreamed of stores of gold and silver, as the precious metals were very rare articles in the Old World during the Middle Ages. When these treasures arrived in Europe prices immediately began to rise, and in the year 1572 the price of everything, in France at least, had increased from five to six times. I have read a very interesting memorial on this subject, which was addressed to the French Government in those early days. The author described the enormous rise in prices and gave many reasons which hold good to-day, enlarging particularly upon what I hold was the true reason, which was the abundance of gold in circulation. He then proceeded to discuss other causes for the high cost of living, such as the increase in luxury, and finally wound up by insisting that a contributory cause was because the King of France had failed to put an embargo on breadstuffs leaving the kingdom.

Mr. President, I shall not object to any inquiry as to the existence of any combination or other abuses connected with the high cost of living. On the contrary, I favor all such measures; but in my opinion all prices will be substantially higher than they have been for many years past so long as a superabundant gold supply is in circulation throughout the world.

OFFENSES AGAINST THE GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana.

Mr. JONES. Mr. President—

Mr. VARDAMAN. I ask that the amendment be stated.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. JONES. Some Senators who went out a moment ago asked me to keep them advised if this matter came to a vote. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Nelson	Stone
Bankhead	Gronna	Norris	Thomas
Borah	Hollis	O'Gorman	Thompson
Brady	Husting	Oliver	Townsend
Brandeggee	James	Overman	Underwood
Catron	Johnson, Me.	Page	Vardaman
Chamberlain	Jones	Penrose	Wadsworth
Clapp	Kenyon	Pittman	Walsh
Clark	La Follette	Pointexter	Warren
Cullerson	Lea, Tenn.	Shafroth	Watson
Cummins	Lee, Md.	Sheppard	Williams
Curtis	Lodge	Smith, Ga.	Works
Dillingham	McCumber	Smith, Mich.	
du Pont	Martine, N. J.	Smoot	
Fall	Myers	Sterling	

Mr. MARTINE of New Jersey. I desire to announce the absence of the senior Senator from Oklahoma [Mr. GORE] because of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Fifty-seven Senators have answered to the roll call. A quorum is present.

The question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

Mr. VARDAMAN. Mr. President, let the Secretary state the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 1, of the amendment reported by the Senator from North Carolina [Mr. OVERMAN], section 1, in lines 4 and 5, it is proposed to strike out the words "to which he is not lawfully entitled," and in lieu thereof to insert "without the permission, expressed or implied, of one lawfully entitled to give the same."

Mr. STERLING. Mr. President, I move to amend the amendment proposed by the Senator from Montana, so that it will read:

Without the express permission of one lawfully entitled to give the same.

That strikes out the words "or implied." The reason I offer the amendment to the amendment is simply this: I fear that the circumstances from which consent might be implied in this case might be the subject of dispute, and that, too, in time of peril or in time of need of the utmost care and caution. I think express permission should be given by one lawfully entitled to give any permission at all.

Mr. FLETCHER. Mr. President, I hope the Senator from Montana [Mr. WALSH] will accept that amendment to his amendment. It strikes me as being a very important change. It does seem to me that this permission ought to be expressed, and that there ought to be no question raised as to whether or not it is implied.

Mr. WALSH. Mr. President, I am sure we are all actuated by a single purpose—to expedite the passage of this legislation and to pass it in the best form. The objection which I have to the amendment suggested by the Senator from South Dakota [Mr. STERLING], and which has been commended by the Senator from Florida [Mr. FLETCHER], is that it seems to me entirely impracticable. Every employee in the navy yard here—and I understand there are some thousands of them—is daily getting information of the most important character concerning the national defense. Those employees are obliged to go about their work, and they are obliged to go to various places about the navy yard and elsewhere, for the purpose of getting information in relation to the national defense. You can not give an express written authority to every one of these employees under the Government every time he goes into those places.

Mr. PITTMAN. Are not the officers and agents to whom the Senator refers entitled to that information?

Mr. WALSH. Exactly. But the plan is to strike out the language "to which he is lawfully entitled" and to substitute the language proposed by the Senator from South Dakota.

Mr. PITTMAN. That is what I meant. The language of the bill now is "not lawfully entitled." Consequently the language of the bill as it is now would exclude the agents and officers of the Government from its operation—

Mr. STERLING. I can not think, Mr. President—

Mr. WALSH. Let me remark, in answer to the statement made by the Senator from Nevada [Mr. PITTMAN], that, in my estimation, it would not have the effect suggested by him, because when a man is employed in the navy yard he has implied

authority to go in and to come out in accordance with the rules of the navy yard; he has implied authority to go wherever it is necessary for him to go in order to get the information necessary to do his work. So he has the implied authority to get whatever information is incident to the doing of that work.

I would not be averse to accepting the suggestion of the Senator from South Dakota if it did not occur to me that it is simply impracticable to give express authority to every person who is required to go in or about such places.

Mr. STERLING. Mr. President, all I have to say, in answer to that suggestion, is to give my own view, which is that the act could not apply to and is not intended to apply to employees of a navy yard or those on board a vessel. They, of course, get information in going about the performance of their everyday work and duties; but it is made to apply—and can hardly receive any other construction—to those who are outside of the service who may be seeking information in regard to the national defense and not to those who are in the service.

Mr. CUMMINS. Mr. President, I am a little uncertain whether the amendment proposed by the Senator from Montana [Mr. WALSH] makes the case better or worse. In one respect it has a great advantage over the words now in the substitute; in another, I think it is more objectionable. The real spirit of the legislation is disclosed by the argument of the Senator from New Mexico [Mr. FALL], and is expressed in the "democracy efficient." It is the same spirit that moved Alexander in his mastery of the world, that led Cæsar to his victories, and that animated Napoleon in his wonderful triumphs. If that be the spirit of democracy, if that be efficient democracy, I have failed to apprehend its true form and purpose.

Mr. President, Great Britain is not a democracy at this time; France is not a democracy at this time; Germany never has been a democracy. Martial law controls Great Britain; martial law controls France; and martial law prevails in Germany. If we have reached a time when we desire to declare martial law throughout the United States, then we ought to adopt unmodified this legislation, for while it is not in form martial law, it is in effect military rule.

I said on Saturday last that if we ever reach a time when we must have martial law in all or in a part of the United States, I shall be the last man to question the supreme authority of the Commander in Chief of our Army and Navy; but this legislation is to control the people of this country in time of peace, not in time of war. It is not limited to the duration of any war; it is to continue indefinitely; and it is to establish the relations of our people to their Government for all time, so far as we are now able to say. In those circumstances I do not believe that we ought to treat all the people of this country as enemies of their country. I do not believe we ought to put them on the basis of the spy. That is what is being done. You are denying to the people of this country the information which is properly denied to a spy, and only properly denied to a spy.

If there were apt words here confining the offense to those instances in which the information is sought for an improper purpose, I would have no objection to it at all. Shortly after I finished my remarks upon my own amendment I received a note from a very intelligent gentleman, who is in this Chamber, and whose name, of course, I shall not give—not a Member of the Senate—but I intend to read it and to ask the Senator from North Carolina [Mr. OVERMAN] a question about it. The note says:

I desire to approach the Bureau of Navigation in the navy yard to procure some lantern slides of pictures of battleships appearing in the Washington Star of yesterday. Could I go there safely with this law in effect?

Mr. OVERMAN. He could get permission to go there.

Mr. CUMMINS. I should like to ask the Senator from North Carolina, in all seriousness, whether or not that person could go there and ask for that information?

Mr. OVERMAN. He could, unless there were some law or regulation forbidding him to go there.

Mr. CUMMINS. That is just the difference between the law as it now is and the law as it would be if amended as proposed by the Senator from Montana [Mr. WALSH]. Under the provision as it is now reported, it is made an offense to enter upon these places for the purpose of securing information to which the person is not lawfully entitled.

Mr. OVERMAN. That is what I say. This person is not lawfully entitled to the information.

Mr. CUMMINS. Is this person lawfully entitled to ask for lantern slides of battleships, the pictures of which appeared in yesterday morning's Star?

Mr. OVERMAN. I do not know anything about whether or not such things ought to be furnished, but if this person is law-

fully entitled to them, he could get them; and if he is not, he could not get them. That is all there is about it.

Mr. CUMMINS. But he would be guilty of an offense when he asked for them.

Mr. OVERMAN. If he was not entitled to them, of course, he would be, if he went there for such a purpose.

Mr. CUMMINS. But if he merely asked the Chief of the Bureau of Navigation for a lantern slide of a picture of a battleship, which had already been made public property—

Mr. PITTMAN. Mr. President—

Mr. CUMMINS. Just a moment. Then, unless the chief of the bureau could say to him, "You are lawfully entitled to this information," he would be guilty under the law.

Mr. OVERMAN. If such information has been made public property, he would not be guilty.

Mr. CUMMINS. Why not?

Mr. OVERMAN. Because he would not then be guilty of a crime at all.

Mr. CUMMINS. But because some newspaper gets the information to which it is not lawfully entitled—

Mr. OVERMAN. But the newspaper got it when there was no such law. That is what I say. We have now no such law in this country, but it is essential that we should have some law to protect ourselves against these offenses. I do not know whether or not from the publication of these pictures in the newspaper there is danger of giving improper information. I do not know how the newspaper got them. It may be that the information should not have been given out; it may have been a secret of the department, which ought not to have been given out.

Mr. CUMMINS. I am not talking about that. It seems to me that the Senator from North Carolina will not confine his mind to the point that it is proposed to make it a crime to ask for this information.

Mr. OVERMAN. If the person is not entitled to it; yes.

Mr. CUMMINS. But who is to determine whether or not he is entitled to it?

Mr. OVERMAN. If he goes there for the purpose of getting it—

Mr. CUMMINS. Who is to determine whether or not he is entitled to it?

Mr. OVERMAN. The Senator from Utah [Mr. SUTHERLAND] made it very plain the other day. This language necessarily means in violation of some rule or some statute. It could not mean anything else. You can not go into every detail about everything in a statute; you have to make the law general; I thought the explanation of the Senator from Utah was very clear on that subject.

Mr. CUMMINS. And yet, when I offered the amendment phrased in almost the identical language of the Senator from Utah, the Senator from North Carolina made a most earnest argument against it and succeeded in defeating it.

Mr. PITTMAN. Mr. President—

Mr. CUMMINS. I yield to the Senator from Nevada.

Mr. PITTMAN. Mr. President, I fail to find anything in the bill that either prohibits or attempts to prohibit the asking of any question to ascertain what information may be legally obtained. The letter which the gentleman wrote to the Senator shows that he is cautious, and there would be no harm in directing that very question contained in the letter to the captain of any battleship or to the superintendent of any navy yard. The language is this:

That whoever, for the purpose of obtaining information respecting the national defense, * * * approaches, goes upon, or enters—

What? A navy yard or a vessel or a public work. There is no attempt in this bill to say that any individual shall not ask for information as to what the law is and what his rights are, and I do not think any committee would every try to place in the bill any such provision. If there is in the bill—and I fail to see it—any such paragraph, the Senator can move to strike it out, and that will simplify things. Certainly the gentleman who wrote to the Senator, it not being made a crime to ask permission, would not hesitate to ask for such permission from the proper officers. Instead of asking the Senator on the floor, why does the gentleman not go to the navy yard and ask the question? There is nothing in this bill to prevent that being done, even if it passes as it is. I should like to have the Senator show me where in this bill there is any attempt to prevent anyone from asking for any information of anybody.

Mr. CUMMINS. I will undertake to answer that question. I am a private citizen; I approach the Bureau of Navigation—

Mr. PITTMAN. Mr. President—

Mr. CUMMINS. Just a moment; I will ask the Senator to wait until I get through. I approach the Bureau of Navigation, therefore I am approaching a place connected with the na-

tional defense, am I not? That is true, is it not? I am approaching it for the purpose of securing information connected with the national defense, namely, to take a picture of a battleship. Now, so far, I am surely within the terms of this bill.

Mr. PITTMAN. I do not see anything about the Bureau of Navigation in the bill. That office is not mentioned.

Mr. CUMMINS. Does the Senator from Nevada say that the Bureau of Navigation is not included within the terms of this proposed law?

Mr. PITTMAN. I do not say that it is not; but I do say that those places named in this provision are physical places, and the intent of the bill is plain, to prevent an individual from going upon these various works and places for the purpose of obtaining information to which he is not entitled. The Senator can not refer to any provision in this bill where any individual is prevented from asking any information as to what act or question is lawful and as to what act or question is not lawful; and any such attempt in any bill would be absurd on the face of it, for the law encourages people to seek what the law is. One can go to the Attorney General's office and ask regarding the law. There is no attempt in this bill to prevent a person seeking such information; but if there is anything in this bill that denies anyone the privilege of asking what the law is—and I do not think there is any such thing in the bill—I suggest that a proviso be put in to the effect that any person may ask anyone else with regard to whether or not he has a lawful right to do a certain act or seek certain information.

Mr. CUMMINS. I presume there is nothing in the bill that prevents anyone asking his neighbor what the law is. We have not gotten quite that far yet, although I expect to see that come in very soon, for I really think that this is the first step toward complete and utter silence and subjection in this country. But the Senator from Nevada has simply read the language, and he has answered himself, I think. I repeat, that if I approach a place named in this paragraph for the purpose of securing information, if that is in my mind, and if I am not entitled to that information then I become subject to the penalty prescribed by the act.

Mr. FALL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Mexico?

Mr. CUMMINS. I yield.

Mr. FALL. I think the difficulty is that the Senator would have to amend the law which has been in existence for six years if he wants to get away from this proposition.

Mr. CUMMINS. I know as to that law, and my comment, so far as this paragraph is concerned, applies to it.

Mr. FALL. I was trying to call the attention of the Senator to that statute, so that we might possibly avoid further full discussion of it. If the Senator does not care to have me call his attention to it, or if I am interfering with the Senator in any way, of course, I will desist.

Mr. CUMMINS. Not at all.

Mr. FALL. The question asked in the letter from which the Senator read is answered by the law as it exists. As affecting that matter exactly the same law as the one now proposed, without the change of a word or a line or an expression or meaning, is in existence to-day. So that the Senator could answer his correspondent under the law of 1911, and not under this bill, for this bill does not change the law.

Mr. CUMMINS. This bill, of course, is not the law yet, and I hope it may never become so.

Mr. OVERMAN. The law exists to-day, and yet the man who took the pictures for the newspaper has not been punished. That is the point I make.

Mr. CUMMINS. As I remarked an hour or two ago, this bill infinitely extends the places the approach to which would constitute a crime.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, the very fact, as I have said, that there is such a law in existence and the man who took the pictures for publication in the newspaper has not been punished shows to my mind what I have been contending for all the time, that if a man does an innocent act nobody is going to call him to account for it, and nobody is going to prosecute him, just as no one has prosecuted the Star for publishing the pictures referred to.

Mr. CUMMINS. I think that is likely true, but that is the plea which every tyrant who ever oppressed humanity has made, "I will not abuse the power. No matter what power I have, I will not use it against those who are not in some fashion or in some way guilty of a moral wrong." That is the argument that destroys democracy; that is the argument that annihilates institutions of our kind; and I am not willing to pass a law that comprehends thousands of innocent people and one guilty person simply because I may believe that the executive officers of

the Government will not enforce it against the thousands of innocent people.

I have already said so much, however, about this expression "to which he is not lawfully entitled," that I care to say no more regarding it, but I desire now to address myself for a moment to the amendment offered by the Senator from Montana [Mr. WALSH]. The objection which I have to that amendment—and I am very uncertain as to whether or not I can vote for it—is this: It presupposes that no private citizen, at least, has any right to go upon or approach any of these places, and that in order to do so he must have permission, either expressed or implied. I am not ready to admit the proposition that the citizens of this country have not an inherent right to do a great many of the things which are forbidden in this paragraph.

Mr. WALSH. Mr. President—

Mr. CUMMINS. I yield to the Senator.

Mr. WALSH. I should like to ask the Senator a question. A battleship is out in the harbor of San Francisco. The Senator would not insist that he has a perfect right to go out there and go aboard that battleship?

Mr. CUMMINS. No; I would not; but I ask the Senator this question—

Mr. WALSH. Let me remark that sometimes the commander of a battleship is quite willing that visitors should come and look it over, and at other times he is quite unwilling that they should do so. Apparently, under the existing practice, at least, he is invested with complete authority to allow visitors to come aboard or to keep them off, as he sees fit; so that the amendment was framed by me in accordance with the notion that those who are put in charge of these places which are directly associated with the national defense are intrusted with the authority to allow them, under the rules that may be established, to be inspected and visited or to prohibit such inspection and visitation. That was the theory upon which the amendment was framed, I will say to the Senator from Iowa.

Mr. CUMMINS. I will ask the Senator from Montana a question. Suppose a citizen of my State lives near a temporary camp of the National Guard, where a company or regiment comes together once or twice a year for the purpose of training in military matters, and suppose that citizen—and these camps, of course, are not held within any inclosure—should approach the camp for the purpose of ascertaining whether the guardsmen were well drilled. I ask whether there is any law granting the citizen that permission?

Mr. WALSH. Mr. President, I should think that the commander of a military training camp would necessarily be invested with authority to exclude everybody from the confines of the camp.

Mr. CUMMINS. How far would that authority extend? Must it extend to a point that would exclude human vision? The camps are held, of course, out on the prairie, and the ordinary custom is for the neighbors or the people in the community to gather around, sit on the fence, and see the soldiers drill.

Mr. STERLING. Mr. President, if the Senator will allow me for just a moment, I should like to say that I hardly think the illustration he gives comes within the meaning or can be at all construed to come within the meaning of this bill. The places described in the act to which approach or entrance is forbidden are places—

owned or constructed, or in progress of construction by the United States, or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored under any contract or agreement with the United States, or with any person on behalf of the United States.

I can not conceive that that language would apply to a training camp at all.

Mr. CUMMINS. Does the Senator from South Dakota think that the National Guard is a part of the national defense?

Mr. STERLING. Yes; it is a part of the national defense; but a visit to the National Guard in training is not included in the places to which a person is forbidden to go.

Mr. CUMMINS. Let us see whether it is or not. The language is:

To approach, go upon, enter, or fly over any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp—

What does the word "camp" there mean?

Mr. STERLING. Well, if the Senator will read on, as I read it a little while ago, and get the connection, the places are described further down on that page.

Mr. CUMMINS. No; the description read by the Senator from South Dakota applies to other things.

Mr. STERLING. Oh, no—"or other place connected with the national defense, owned or constructed, or in progress of

construction by the United States." The implication is that this is a place connected with the national defense to which he must go, because the language is "or other place connected with the national defense."

Mr. CUMMINS. The Senator from South Dakota, it seems to me, is too partial in his view. He says, "Or under the control of the United States." Every camp of the National Guard is under the control of the United States, if the National Guard receives the compensation which is provided for in the law. There can not be any doubt but that a camp of the National Guard is one of the places that will be covered by this statute.

Mr. WALSH. Mr. President—

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WALSH. I am disposed to agree with the Senator from Iowa with respect to that matter, although I usually agree with the Senator from South Dakota about these matters. But it does occur to me, Mr. President, that I must answer the question of the Senator from Iowa as I did. If that is not covered by the law, it seems to me it certainly ought to be.

Mr. President, here is a camp in which an officer of the United States is engaged in drilling members of the militia in anticipation of immediate service. There might be military reasons of the most powerful and persuasive character why information should not get out concerning the particular line of tactics that are being pursued, the particular degree of proficiency to which the troops have attained, and all that kind of thing. It seems to me that it would be quite proper to vest in the officer in command of that camp the power to exclude the public while the training is going on.

Mr. CUMMINS. I thought so, and therefore I offered the amendment which was voted down this morning; and I think the Senator from Montana was among the majority. I assume that the President could, by an order, exclude everybody from a camp of that kind; and if the emergency came that required any action of that sort, and he did it, then the whole world would know that it was contrary to the law to enter upon the camp or to approach the camp within a certain distance, and citizens could protect themselves. That was the very object I sought to accomplish in the amendment which I offered.

Mr. VARDAMAN. Mr. President—

Mr. WALSH. If the Senator from Mississippi will pardon me for a moment, I was, as the Senator from Iowa says, with the majority, because I contemplated tendering this very amendment, and I preferred my own amendment to the amendment tendered by the Senator from Iowa—possibly an inexcusable vanity upon my part.

Mr. VARDAMAN. Mr. President, I was going to suggest to the Senator that should the occasion arise, or should the time ever come when the President would exercise that power, it would suspend all laws that Congress might enact, and this law would not be necessary at all, would it?

Mr. CUMMINS. I did not grasp the question.

Mr. VARDAMAN. I said, if the occasion should ever arise for the President to exercise the power, as the Commander in Chief of the Army, to make these proclamations, you would need no congressional enactment. The military law would suspend all civil law.

Mr. CUMMINS. I think that is true.

Mr. VARDAMAN. It occurs to me that all of this legislation is for the purpose of meeting extreme cases, relying upon the benevolence of the military despot to mitigate its rigor in time of peace.

Mr. CUMMINS. Upon the whole, Mr. President, I believe that the bill, as it is, is rather to be preferred than the amendment offered by the Senator from Montana, for I think the inference that no citizen has any right in times of peace to approach any of these places without permission invades more grievously the privileges which I have thought a free country should enjoy than the language contained in the bill as it is reported.

Mr. PITTMAN. Mr. President, I should like to ask the Senator from Montana if there is anything in this bill as it is now drawn, without his amendment, that would make a person guilty of any offense under the act for asking for information with regard to what was permissible thereunder?

Mr. WALSH. I know of nothing.

Mr. PITTMAN. In other words, if a person with good intent desired to obtain information with regard to the national defense, he would be on his guard, knowing that in times of these emergencies he should ask for information with regard to the law on the subject. The Senator from Montana gives it as his opinion, and I think that the lawyers here will all concur in it, that there is no crime in anyone asking anybody what is permissible under this bill and what is not permissible. Now, while it may impose a slight burden on a person to ask for in-

formation, it is much better to impose that burden upon a citizen than to permit espionage in this country with impunity.

The object of this paragraph, as I understand it, is not to keep people out of these yards, but it is to punish people for going into these yards for a certain unlawful purpose. I do not see anything in this bill that attempts to prevent people from going into these navy yards or on these battleships. We are not at war now, and, as the Senator from Iowa says, he would regret at this time to see a law passed which in times of peace would prevent the citizens of this country from visiting camps and possibly navy yards and shipbuilding yards. This bill does not attempt to do that. This bill does not attempt to keep people out of a certain place. The natural authority of the superintendent of these works will keep improper people out and will let proper people in. The object of this act is to punish spies. That is the object of the act. The object of the act is to punish a man guilty of a crime, and that crime consists in spying on this Government. Now, all of these amendments are directed to keeping people out and are not directed to the punishment of criminals, and therefore, if you adopt any of these amendments, you wipe out the punishment of criminals and simply provide a means for keeping certain people out or letting certain people in the places described.

I certainly insist that there is no hardship under this bill upon a person who desires information for legal purposes. There is only a hardship upon the person who is spying or attempting to spy upon our national defenses.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound, the yeas seem to have it.

Mr. STERLING. Mr. President, may not the amendment be stated? My impression is that Senators may have the idea that they are voting, in the first place, on the amendment offered by the Senator from Montana. I offered an amendment to that amendment, and I think it was hardly understood that we are voting upon that amendment. That is the amendment before the Senate.

I ask that my amendment may be stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment offered by the Senator from Montana [Mr. WALSH] as follows: After the word "permission" strike out the comma and the words "expressed or implied," so that it will read "without the permission of one lawfully entitled to give the same."

Mr. STERLING. It should read "without the expressed permission."

The SECRETARY. It is proposed to transpose the word "expressed" to come before the word "permission," so that it will read "without the expressed permission of one lawfully entitled to give the same."

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now recurs on the amendment offered by the Senator from Montana [Mr. WALSH].

The amendment was rejected.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In lines 2, 3, and 4, on page 10 of the proposed substitute, it is proposed to strike out the words "under oath before any person authorized and empowered to administer oaths," so that if amended it will read:

SECTION 1. Whoever shall willfully and knowingly make any untrue statement, either orally or in writing, which the affiant has knowledge or reason to believe will or may be used to influence the measures or conduct of any foreign Government, etc.

Mr. STERLING. Mr. President, in the event this amendment prevails, I will offer another amendment striking out the word "affiant," which, of course, would be inappropriate if the amendment prevails, and substituting other words in place of that. But first, Mr. President, as to this particular amendment:

First, it seems to me that the requirement that the statement shall be made under oath really destroys the purposes of this act, or of this portion of the act. Now, the statement may be untrue; it may be willfully made, and it may, nevertheless, be very positively made, and be made with great detail, so that, though not sworn to, it will be very convincing in its effect, and therefore be just as detrimental to the interests and welfare of the Government as though it had been made under oath. I take it that few of these statements which are of injury to the Government relating to the military or naval operations of the Government or relating to our negotiations with foreign Governments in any dispute or controversy that may arise be-

tween ours and a foreign Government are made under oath, and the parties making the statements would purposely avoid making them under oath; but their injurious effects would exist just the same as though they were made under oath.

Under the terms of the bill it will make no difference how positively the statement is made or how injurious might be its effect in the event of a prosecution for making the statement it would be an absolute defense, of course, whatever injury had been wrought, that the statement had not been made under oath; and I think the purpose of this act is to prevent statements, whether under oath or not, which will influence the measures or conduct of any foreign Government to the detriment of our own Government.

I hope that the amendment will be agreed to.

Mr. OVERMAN. Mr. President, this is the same language that is used in the Penal Code about other matters, and applies to a case like that of the man who, on the occasion of the sinking of the *Lusitania*, made an affidavit to the effect that that vessel was armed when it was not armed, and they could not convict him of perjury. He just simply made a sworn statement. It was not sworn to in any court.

Mr. STERLING. There the offense charged, of course, was perjury for making a statement under oath that the *Lusitania* was an armed vessel. That was the statement made. This relates to a somewhat different situation, and relates to any statements that are made prejudicial to the Government in its dealings with foreign Governments. All that a party need do, of course, in order to avoid punishment for any statement, however detrimental to the Government, would be to avoid making the statement under oath. The influence would be the same, and he would have perfect immunity from punishment for making such a statement.

Mr. OVERMAN. I think that would be a little too drastic and carrying it too far. Where a man makes a false statement in writing under oath, he ought to be indicted for perjury and convicted, but in the case of simply ordinary conversation I doubt whether we ought to go that far.

Mr. STERLING. If the Senator will recall the other language of the bill, the statement, of course, must be willfully made and knowingly made, with the intent, of course, to hinder the Government in its dealings with foreign Governments.

Mr. OVERMAN. Yes.

Mr. CUMMINS. Mr. President, may I ask the Senator from South Dakota a question?

Mr. STERLING. Certainly.

Mr. CUMMINS. Does the Senator think it is ever allowable to tell a falsehood in order to benefit one's country?

Mr. STERLING. It may be.

Mr. CUMMINS. Well, this would make it criminal.

Mr. STERLING. No; if the Senator will permit me, I propose to offer another amendment that will cover that proposition. It is a delicate question, I will say to the Senator, as to whether he may or not; but I think the statement made should not be made to the detriment of the Government of the United States, and I propose to offer that amendment in case this amendment prevails.

Mr. CUMMINS. Suppose, however, that the Senator's first amendment was adopted and his latter amendment was not. If it is ever permissible to tell a falsehood in order to save your country, you ought not to make the man a criminal who would do it. Aside from that—

Mr. STERLING. The effect is just the same, I will say to the Senator, so far as that is concerned, whether made under oath or whether not made under oath.

Mr. CUMMINS. The opportunity, however, may come oftener. I myself am not in sympathy with the amendment offered by the Senator from South Dakota, because I do not believe we have reached a time when we should put a man in the penitentiary for lying. If you apply it to this particular object, you might just as well apply it to the most ordinary affairs of life; and my observation has been that if you should make it a criminal offense for a man to lie—or to prevaricate, if I may use a gentler term—you would rapidly depopulate the country.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Dakota.

The amendment was rejected.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2 of the proposed substitute, lines 4, 5, and 6, it is proposed to strike out the words "building, office, or other place connected with the national defense."

Mr. CUMMINS. Mr. President, the purpose of this amendment is to confine somewhat the territory or the place which

it would be a crime to approach or enter. It must be recalled that the last clause in this paragraph provides—

or any prohibited place within the meaning of section 6 of this chapter.

I intend to offer an amendment to that section when we reach it; and in order to understand clearly the amendment that I now offer, I desire to refer to section 6 for a moment.

Mr. WALSH. Mr. President, I should like to make a suggestion to the Senator from Iowa. Possibly the idea has occurred to him, but I am not sure. The War College down here would be excluded from the operation of the act if the amendment now offered by the Senator prevailed, would it not?

Mr. CUMMINS. It would not.

Mr. WALSH. Under what feature of the bill as it remained would the War College be included?

Mr. CUMMINS. As I just remarked, the last clause of the paragraph is:

or any prohibited place within the meaning of section 6 of this chapter.

Mr. WALSH. Oh. That is to say, the President might issue a proclamation under the provisions of section 6 designating the War College?

Mr. CUMMINS. As it is now the reference is to a place designated by the President of the United States; but I do not believe that it ought to remain in its present unrestricted form. Section 6 now says:

The President of the United States shall have power to designate any place other than those set forth in paragraph (a) of section 1 hereof as a prohibited place for the purposes of this chapter, on the ground that information with respect thereto would be prejudicial to the national defense.

At the proper time, when I reach it, I intend to move that after the word "hereof," in line 7, there be inserted these words:

In which anything for the use of the Army or Navy is being prepared or constructed.

But at this moment the question is whether the words "building, office, or other place connected with the national defense" shall be stricken out. I believe they ought to be stricken out, because in the effort to reach one building like the War College, for instance, you have to take in every building in the United States if it is directly or indirectly connected with the national defense. In order to reach one office that may very properly be segregated from other offices, and from which the public may be very properly excluded, you take in every office in the country if it can be in anywise connected with the national defense, and I believe that the Senator from North Carolina is of the opinion that it need not be connected with the Army or the Navy. It need not be connected with the military forces of the country. It may be anything that is used, directly or indirectly, in the support of the Army or the Navy.

Of course every appropriation is connected with the national defense. Every inquiry concerning military training is connected with the national defense. Every movement of our citizens is connected with the national defense, for they are all a part of the militia of the United States. All people from 18 to 45 constitute the militia of the United States, and they are protected just as much by the terms of this law as are the members of the Regular Army or the Organized Militia.

I appeal to the sober and considerate judgment of the Senator from Montana. Does he desire to fling this net around every building and every office which may be connected with the public defense in the tenuous and remote way I have just mentioned? We have gone mad, Mr. President. We have forgotten that we live in a republic. We are thinking only of German spies and English spies, and this bill will not help in any respect to catch an English spy or a German spy. A spy enters an office or a place or a building for the purpose of obtaining information that he can communicate to the enemy or to a hostile power. How does it help to arrest me if I enter or approach such an office for a perfectly innocent object? It does not assist the Government in the detection of the criminal, because when the criminal is detected then the Government must prove these things, and in proving these things it will establish his unlawful intent.

There has not been an instance since the war in Europe in which such a law as this would have been of the least benefit in detecting or arresting or convicting a criminal against our country. There have been some instances in which men who have violated what ought to be the law of the country have escaped, and I want the law strengthened so that if such things occur in the future they will be brought to justice.

I have no objection to the subsequent parts of this measure save in one respect, which is not very material; but when you pass this law and the people of the country understand it they will appreciate that from every building and every office that is in any way connected with the national defense they are to be excluded, and it is criminal if they approach any such build-

ing or office with the intent to secure information. I leave out the words "to which they are not lawfully" entitled, because they mean nothing to me. I do not know who is entitled to any particular information, nor do I believe the rest of the country will be able to find out who is entitled to such information. When you extend this tyrannical power to cover every building and every office you will offend the just sensibilities of a people of a free country.

If you so frame the law that the President can extend the operation of the law to any building or any office or any place that is in some way attached to the military department of the Government, there can be no objection to that; people will understand it and, I think, will approve it, but they will not approve attempting in this indirect way to establish martial law throughout the whole United States.

Mr. OVERMAN. The Senator proposes to strike out one of the most important parts of the bill, relating to plans, code books, and signals, which are kept in some building or some office and are necessary to the national defense. I know that some of our plans have been abstracted; one or two signal books have gone; a code book has gone; and there is no law to stop it. Now the Senator proposes to strike out the word "building" and the word "office," and that is where they are kept. It seems to me they are the most important words in the sentence.

Mr. CUMMINS. Will the Senator yield?

Mr. OVERMAN. Certainly.

Mr. CUMMINS. If these words were stricken out, would not the President have the power to issue an order making any such office or building as has just been described by the Senator a prohibited place?

Mr. OVERMAN. Mr. President—

Mr. CUMMINS. I ask the question and I beg the Senator to answer it.

Mr. OVERMAN. I am going to answer the question. In this section we go on to describe the place where they are prohibited, including buildings and offices. For fear that we have not covered everything, in order to protect the national defense, in section 6 we give power to the President to designate, in his judgment, other places and stations that are to be protected. That is the reason for section 6. Senators do not know, the Senator from Iowa does not know, of the places that ought to be protected. If the time shall come when some places that ought to be protected are not included in the section then we want to give the Executive of the Government the power to designate other places which should be protected from spies. That is what it is for—to protect the Government from spies and from traitors. I would hang every one of them.

Mr. CUMMINS. I wish the Senator from North Carolina would use the word "spy" in the act and the word "traitor" in the act instead of in his speeches.

Mr. LEE of Maryland. Mr. President, I should like to ask the Senator from North Carolina a question. Does he not complain of certain overt acts and the loss of valuable documents, code books, and other things belonging to the United States Government? Why can not the Senator specify the things he wants to protect and the things which it is improper for citizens to take and stand on that? Why does the Senator want to go so far as to make it a crime for a citizen of the United States innocently and in the course of other perfectly legitimate business to approach and go into quite ordinary places or talk about military matters in the War Department or any other of the places mentioned in the act?

The bill is so broad in its language that, as I said, it implies nervousness and a lack of detailed conception of what is really desired. Everybody knows how these things have been stolen in a general way, and I imagine the Navy has taken proper precautions to prevent the stealing of any more code books from our vessels.

It is largely a question of personnel. You can enact all the laws that you want between now and doomsday and you can not control the man who has enlisted for the purpose of stealing a code book if he gets a chance. It is a question of vigilance on the part of our officers in not letting the wrong kind of people in the wrong place. It is very far-fetched legislation to throw a net all over this country and make things that are absolutely innocent in themselves the subject of possible criminal prosecution.

When the Senator speaks he has a perfectly clear line of objects in his mind, thoroughly legitimate, entirely proper, with which every American citizen ought to sympathize, but to take this kind of a law and make it applicable in times of peace in a democratic country is without precedent and certainly without just cause.

Mr. OVERMAN. It would be impossible to specify these places. No Senator knows what are these plans or what specific articles are in some buildings that ought to be protected, and we made it general to protect everything connected with the national defense.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa.

Mr. OVERMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Norris	Simmons
Brady	Johnson, Me.	Oliver	Smith, Ga.
Brandeggee	Johnson, S. Dak.	Overman	Smith, Md.
Broussard	Jones	Page	Smith, S. C.
Catron	Kenyon	Penrose	Smoot
Chamberlain	Kern	Phelan	Stone
Clapp	Kirby	Pittman	Swanson
Clark	Lea, Tenn.	Poinexter	Tillman
Colt	Lee, Md.	Pomerene	Enderwood
Cummins	Lewis	Ransdell	Vardaman
Fall	Lodge	Reed	Wadsworth
Hardwick	McCumber	Robinson	Walsh
Hughes	Martin, Va.	Shafroth	Williams
Husting	Martine, N. J.	Sheppard	

Mr. SHEPPARD. I wish to state that the Senator from Illinois [Mr. SHERMAN], the Senator from Michigan [Mr. SMITH], the Senator from Minnesota [Mr. NELSON], the Senator from Florida [Mr. FLETCHER], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Missouri [Mr. REED] are absent on official business.

Mr. WALSH. I rise to state that the Senator from West Virginia [Mr. CHILTON] has been called from the city on account of the serious illness of a member of his family.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The question is on the amendment of the Senator from Iowa.

Mr. CUMMINS. I ask for a division.

The amendment, on a division, was rejected.

The VICE PRESIDENT. The question recurs on the committee amendment as amended.

Mr. CUMMINS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 16, strike out the words "without lawful authority" and insert "in violation of a statute or a lawful order of the President of the United States."

Mr. CUMMINS. This amendment touches the same subject covered by the first amendment which I offered, and it would have the same effect as to this part of the bill that my former amendment would have had upon that part of it to which it was directed.

Mr. OVERMAN. Mr. President, let me appeal to the Senator from Iowa. We have had a test vote on this question. Will he not withdraw this amendment?

Mr. CUMMINS. If I may have an opportunity to be heard, I am sure I will not disappoint the Senator from North Carolina.

I was remarking that the Senate had voted upon the same proposition in principle and I do not intend to prolong the discussion by restating my views upon this particular subject. I intend to offer the amendment simply in order that my record shall be straight upon this subject. I do not intend to allow a bill of this sort to pass without doing what I can do to eliminate its enormities; and, much to my regret, I must take up some time in tendering these amendments. I submit the present amendment, however, simply saying that it involves the same principle which was involved in the amendment upon which the yeas and nays were ordered and taken this forenoon.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 3, line 14, it is proposed to strike out the words "not lawfully entitled to receive it," and to insert in lieu thereof the words "who is forbidden by statute or a lawful order of the President of the United States to acquire or receive it."

Mr. CUMMINS. This amendment also embodies the same idea, and is an attempt to protect, if I can, the great body of the population of the United States from the danger which I think is contained in the proposed statute. I shall not say anything more about it.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. CUMMINS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 3 it is proposed to strike out from lines 14, 15, and 16 the words:

Or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it.

Mr. CUMMINS. Mr. President, this amendment is of an entirely different character and presents a very different subject. I have not pointed out the defect, as I look at it, in the bill in this respect. Therefore I shall trespass upon the time of the Senate long enough to indicate what the bill really does in this regard.

Paragraph (d) of section 1 provides:

Whoever, lawfully or unlawfully—

Now, remember that—

(d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, note, or information relating to national defense, willfully communicates or transmits, or attempts to communicate or transmit, the same to any person not lawfully entitled to receive it.

The Senate has just voted against an amendment of mine which substitutes for the phrase "not lawfully entitled to receive it" the phrase "who is forbidden by statute or a lawful order of the President of the United States to acquire or receive it." It then proceeds with the further offense, "or willfully retains the same."

Mr. POINDEXTER. Mr. President—

Mr. CUMMINS. I yield to the Senator from Washington.

Mr. POINDEXTER. I merely wish to make an inquiry. Does the Senator from Iowa think there is any vital difference between the phrase "not lawfully entitled to receive it" and the phrase "forbidden by law to receive it"?

Mr. CUMMINS. There is all the difference that exists between safety and danger.

Mr. POINDEXTER. I was not able to hear the Senator's argument on that question; but on first impression there does not appear to me to be a vital difference between the phrase "lawfully authorized to receive it" and "not forbidden to receive it."

Mr. CUMMINS. Mr. President, there is a very great difference, which I have attempted to point out at so much length that I would not dare to take up time in repeating it. I will, however, have to go back now in order to connect myself with the present amendment, for that does not cover the particular subject referred to by the Senator from Washington.

Whoever is in possession of any information, whether it is lawfully in his possession or unlawfully in his possession, and willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it, becomes subject to the penalties of this paragraph and section; that is to say, if I, being in lawful possession of information concerning the national defense, refuse to deliver that information to the President or to a general of the Army or to an admiral of the Navy, I become a criminal.

Mr. WILLIAMS. Pardon me a moment for an inquiry. This provision reads:

Willfully communicates or transmits or attempts to communicate or transmit the same to any person not lawfully entitled to receive it.

Of course the General of the Army is lawfully entitled to receive it.

Mr. CUMMINS. Mr. President, just a moment.

Mr. WILLIAMS. And, of course, the Secretary of War is lawfully entitled to receive it.

Mr. CUMMINS. The difficulty with the Senator from Mississippi is that I am not considering that at all—

Mr. WILLIAMS. And, of course, the President is entitled to receive it.

Mr. CUMMINS. I am not considering that part of the bill. I have passed on to another part, and the present amendment does not relate to that part of the bill.

Mr. WILLIAMS. I understood the Senator's amendment to strike out the language "willfully communicates or transmits or attempts to communicate or transmit the same to any person not lawfully entitled to receive it."

Mr. CUMMINS. It does not.

Mr. WILLIAMS. What is the Senator's amendment?

Mr. CUMMINS. It proposes to strike out the words "or willfully retains the same and fails to deliver it on demand to

the officer or employee of the United States entitled to receive it."

I hope the Senate will appreciate this most remarkable situation; and in view of the fact that I was just interrupted—and very properly so—by the Senator from Mississippi, I must restate it. If anyone, officer of the Government or otherwise—and that covers a Senator of the United States, of course, or a Member of the House of Representatives—is lawfully in possession of information concerning the national defense, no matter what part of the national defense, and some other officer of the Government who has been directed to receive it asks for the information, the one who has possession of it must give it to him or become a criminal.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, the provision reads:

Or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it.

Suppose the United States is in a state of war or menaced by war, as is the case right now, and the Senator from Iowa or I should happen to have information of value to the executive officers of the Government, and we willfully retained that information, of benefit perhaps to a belligerent Government about to engage in war with us, and we failed to deliver it on demand? It is not a question of voluntary failure to deliver it. The Secretary of War or the President writes to me or to the Senator and says:

I am informed that you have certain information that is of value to the United States, or may be of value against the United States in behalf of some foreign Government, and I ask you what it is.

The language is—

and fails to deliver it on demand to the officer or employee of the United States entitled to receive it.

Does not the Senator from Iowa think that if he or I had that information and willfully retained it, or failed upon demand to communicate it to the proper officials of this Government, we would be guilty of constructive treason—

Mr. CUMMINS. I do not.

Mr. WILLIAMS. And absolute disloyalty to the United States of America, not "this United States," but these United States, including Iowa and Mississippi?

Mr. CUMMINS. I think these United States would be of little value if it were not for Iowa and Mississippi [laughter], and therefore under no circumstances would I want to exclude either of those Commonwealths.

Mr. WILLIAMS. I merely used that phrase to indicate that Iowa and Mississippi were both interested in this question.

Mr. CUMMINS. Yes; they are both interested, and I think are both desirous of good government and desirous of preserving some of the forms of a republic. I ask, though, the Senator from Mississippi this question: He is an officer of the Government and I am an officer of the Government; he has possession lawfully of information concerning the public defense, and I want it. I go to him and say: "I want you to give me that information; I am entitled to receive it." This bill will make the Senator from Mississippi a felon if he declines to give it to me. Now, I have no objection to saying that when the President of the United States wants from a citizen information that is of value to the country, he shall have it. The whole difficulty with this bill is that, in order to reach a few very proper cases, we have brought within its scope a thousand cases that are improper and that ought not to be included in the law.

Mr. WILLIAMS. If the Senator will pardon me, this provision does not read "retains the same and fails to deliver it on demand to any officer or employee of the United States"; it does not read in that way; it reads "retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it." No Senator is an officer of the United States entitled to receive from another Senator the information which that Senator may have. This provision only applies to his failure or refusal to give the information to the officer or employee of the United States entitled to receive it. That, of course, does not contemplate the idea that I must communicate to the Senator from Iowa every piece of information that I have, or that he must communicate to me every piece of information that he has. It merely means just what it says, "to the officer or employee of the United States entitled to receive it." Now, who is the officer—

Mr. CUMMINS. That is just what I was about to ask the Senator.

Mr. WILLIAMS. Wait a moment. Who is the officer or employee of the United States entitled to receive it? A naval or a military officer in charge or in control, or the President of the United States, or the Secretary of War, or the Secretary of

the Navy. Now, the Senator can not make any more out of it to save his life.

Mr. CUMMINS. Mr. President, suppose that I know how many bushels of wheat or corn have been raised in Iowa during the year, and assume that such information is connected with the national defense, will the Senator from Mississippi tell me what particular officer is entitled to demand and receive that information from me?

Mr. WILLIAMS. Yes; I can tell the Senator. The President of the United States, the Secretary of War within his province, the Secretary of the Navy within his province, the commandant of the post within his province, the commandant at Fort Myer, in connection with the city of Washington, within his province, and any other officer charged with the defense of the United States at the locality at which the Senator or I might be at the moment resident.

Mr. CUMMINS. Mr. President, I have some objection to being really in the power of one master, but I did not dream that I was to be put under the power of so many masters, whose views on the subject might be somewhat conflicting.

Mr. WILLIAMS. If the Senator will pardon me for just one further observation: Every citizen in time of war or in time of the menace of war—in time of war, especially—is under a great many superior officers—the captain of the company, the colonel of the regiment, the commander of the brigade, the commander of the division, the commander of the corps, the general in supreme command, the Secretary of War. We can not live in this world in competition with people who are violating the law of nations agreed upon by the civilized world without subjecting ourselves to some sort of subordination to military authority, and that military authority will go from the captain of the company up to the general of the Army. The observation about being submitted to so many commands is, I think, not well taken. We have got to be submitted to all sorts of commands if we are faced with a situation that we are apprehending.

I ask the Senator's pardon for interrupting him so long.

Mr. CUMMINS. Mr. President, I am very glad to hear an interruption of that kind, because there is a great deal of force in what has just been said if it were in any degree or any respect applicable to the present bill.

Mr. WILLIAMS. Does not the Senator admit that we are now, every day, living in daily apprehension of war?

Mr. CUMMINS. Will the Senator from Mississippi allow me just a moment in my own behalf? Of course we are; but this bill is not limited to the time of apprehension of war. It is not limited to threatened war. It will be just as applicable 10 years hence, in a time of profound peace, as it is now, or as it is after hostilities shall begin, if unfortunately they do begin. There are certain paragraphs in the bill which are limited to a time of war; but this paragraph, the one that I am discussing, is the law that is proposed for the American people permanently and during times of peace.

If it should be limited to a time of war, or even threatened war, a large part of my objection to it would at once disappear. But we are changing the entire fabric of our Government here; we are changing the entire policy which we have pursued for so many years in establishing a system of this sort among the people in time of peace. What I have said, I repeat—that I do not intend, or I hope I shall not be compelled, to submit in a time of peace to the demand of an Army or a Navy officer, I care not whether he is of high degree or of low degree, insisting that I shall deliver to him information which I have acquired with regard to the national defense.

Mr. WILLIAMS. Mr. President, I hope the Senator will pardon me a moment further. Why should the Senator or I refuse to give to a military officer of the United States any information which either he or I possess that would be important for the defense of the United States? Now, in connection with that question the Senator will remember that this entire bill is a bill for the defense of the United States; and the Senator will remember that his amendment is to strike out the words, "or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it." No officer of the United States is entitled to receive information that you or I possess except upon the assumption of a state of war, a condition of war, or a condition of apprehended immediate war.

I should like to ask the Senator upon what principle he could justify his refusal or my refusal, in time of war or of anticipated war, or even in times of peace, to give any officer of the United States charged with the defense of the United States any information that we had with regard to the fortifications or any other defense of the United States that seemed to him or to me to be important?

Mr. CUMMINS. Mr. President, the only reply I make is that there are some privileges which a citizen may enjoy in time of peace. He has no privileges in time of war. I agree to that. I agree that the law disappears.

Mr. WILLIAMS. I do not agree with that.

Mr. CUMMINS. Well, just a moment; allow me to talk just a moment. I say that a citizen has no privileges in time of war, such as we have been discussing here, and I am not arguing this bill from the standpoint of war. I am arguing it from the standpoint of peace, and I think the mere fact that I am a free man, a free citizen of the United States, gives me the right to refuse to give to any officer of the Government information which I may have acquired in a perfectly lawful way, if I choose to refuse it. It might just as well be said that we should pass a law that would enable any officer of the Army or Navy to command the distinguished Senator from Mississippi to rise in his place and make a speech upon a subject. There is no limit to the invasion of the rights of citizenship if an officer of the Army or Navy can, in time of peace, command a citizen to communicate to him information which he has lawfully acquired touching the national defense—and that means touching American life, because all of it is a part of the national defense, as has been declared here over and over again. If we can confer on any officer such power as that, then of course we can attach to it the proper penalties. We can say that the officer can put him on the rack until he discloses what he has.

Why, Mr. President, those were just the atrocious policies pursued in the time of the Inquisition. Those were the things done when it was sought to extort from victims some information with regard to the good of the church, or, at a later time, some information with regard to the good of the government. It has been that power which has been relied upon for more acts of infamy in the history of the world than any other power ever exerted by organized society.

I do not believe it is necessary for the public welfare or for the public defense that this obligation be put upon citizens of the country in times of peace, and it is for that reason that I have offered the amendment.

Mr. WILLIAMS. Mr. President, in the first place I deny that in matter of substance and common sense we are now living in a time of peace. It is true that formally and nominally the United States is not at war with anybody; but it is also true that pretty nearly all the other nations of the world are at war with one another. This entire statute is based upon the apprehension of war; and the Senator from Iowa seems not to have read, or if he has read seems not to have fully comprehended, or if he has comprehended seems not to have fully realized, the exact sense in which his amendment would be taken in connection with this bill.

The Senator offers his amendment on lines 14 to 17 on page 3. Now, the language which accompanies the language which he wishes to strike out is this—and I ask the careful attention of the Senate to the language:

Whoever, lawfully or unlawfully, having possession of, access to, control over, or being intrusted with—

What?—

any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, note, or information relating to the national defense—

Relating to the national defense—

willfully communicates or transmits or attempts to communicate or transmit the same to any person not lawfully entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it—

Shall be punished as prescribed in the bill. Now, the Senator proposes to strike out the words:

or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it—

Fails to deliver what?—

any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, note, or information relating to the national defense.

Any man who would refuse to communicate to the Government of his own country "any document, writing, code book, signal book, sketch, photograph," and so forth, "or information relating to the national defense, upon proper inquiry by the proper officer," would be spiritually a traitor to his own land. There is no reason why he should be protected.

The Senator says that there are no privileges in time of war. I beg to differ from him there. Every American citizen in time of war, unless he is within the line of hostilities, has a right to every constitutional protection that is thrown around him by the bill of rights and the 10 first amendments to the Constitution and the balance of that instrument; and even the Supreme Court of the United States, in the case that went up

from Arkansas, in which Judge Garland was concerned—I do not remember the title of the case—said that outside of the boundary of hostilities the martial law of the United States could not apply, and the man had a right to his ordinary constitutional privileges of citizenship. There is nothing in this bill that takes it away from him. The only thing in this bill is this: That if I have information useful to my country, my land, my motherland—not, as the Germans call in their absurd spirit of dominance, fatherland, but as we English-speaking people call it in tenderness, our motherland—if I have any information useful to my motherland, it shall be a crime for me willfully to refuse to disclose it on demand of the proper officer of the United States—these United States, Mississippi, Iowa, California, Minnesota, all the balance of these United States, coupled together for common defense. That was the only reason why they were coupled together. It is the only reason why their citizens are coupled with one another—for common defense against a foreign foe; and here we are hesitating about whether or not we shall make it a crime to refuse to give to the Government of these coupled United States, coupled against the world in common defense, information that is useful for the common defense. To whom? To "any officer entitled to receive it."

Why, even during the War between the States, when you people up North went pretty far, nobody, except in temporary aberration of judgment for a short time, ever contended that a citizen of the United States in Indiana or Illinois or Ohio or Minnesota did not have the same constitutional privileges and rights that he had in times of peace, except that if he was within the lines of military operations he was subjected to martial law.

I say that no man has any right to refuse any information necessary, or thought by these United States to be necessary, to "the public defense," much less has he any right to refuse to hand over a document, a writing, a code book, a signal book, a sketch, a photograph, perhaps of our fortifications of the Narrows at New York, or Fort Henry and Fort Charles, protecting the Chesapeake, and thereby protecting the Capital of the United States, or a photographic negative, a blue print, a plan, model, instrument, appliance, or note, as outlined in this act. That is outside of the general language "or information relating to the national defense." There is nothing in this bill requiring you or me or anybody to give any information that does not relate to the national defense. How can a man excuse himself, if he is loyal to his motherland, in failing or refusing to give any information that is germane to the national defense?

I think, with all due deference to the Senator from Iowa, that he really did not think about the clause of which this amendment is a part, and a necessary part, and of the efficacy and efficiency of which he would deprive the clause if his amendment were agreed to.

Mr. FALL. Mr. President, of course what the Senator from Mississippi [Mr. WILLIAMS] has just said with relation to the duty of an American citizen to his country, in time of war or in time of peace, to furnish the Government generally with any information necessary for its defense is taken by everyone for granted. With the objection of the Senator from Iowa to this language in the bill I do not agree.

There are two rules of ordinary statutory construction. This is merely a matter now of statutory construction. There are two rules that are ordinarily followed by a court. One of the first is that the court, in undertaking to ascertain the meaning of the legislature, never presumes that the legislature intended a futile or a foolish thing. That may be a violent presumption. However, it is a principle of law with reference to statutory construction by which every court is supposed to be guided.

The second is one, it seems to me, that would settle the controversy being discussed now in any court in the world, that where a matter is defined by statute and there is a further classification of the acts which are prohibited, and those acts are set forth in specific acts, and then there are general terms following, the general terms are always construed as applied to like acts. I have never known any deviation from this rule of construction. To say that a Senator of the United States should be intrusted with a blue print or a document of any kind or any other information relating to the national defense by an officer of the United States, taking it out of the possession of the custodian, should be guilty of a crime when he refuses the demand to return it to the possession of the proper custodian would be, of course, foolish.

The illustration the Senator has used—information which might come into his possession with reference to the food supply, the corn crop or the wheat crop of the State of Iowa—of course, would be one of those which the court would reject under the first rule I have referred to—that the legislation is

not presumed to attempt a foolish or a futile thing. However, to apply the illustration as any court, in my judgment, would apply it, certainly as I would apply it, to the case before us, as to what the word "information" meant, aside from the general proposition that it means acts of a like character to those enumerated specifically, I would say, if it became necessary for the United States to ascertain exactly how many bushels of corn there were in the States of the Union necessary for the public defense, furnishing all the land and naval forces and feeding all the population, if it became necessary to ascertain that information, if it became necessary for the United States of America to ascertain how many bushels of wheat were to-day in the elevators within the State of Iowa as a part of the national defense or upon which to base measures for the national defense, that information so obtained was in the possession of the Senator from Iowa, it being a matter necessary for the national defense, and the Senator from Iowa was to refuse to deliver that information to the party who had obtained it or to the party whose business it was to obtain it, I should say that the Senator from Iowa was guilty under this act if he retained it, that if he refused to deliver that information he would be guilty. That is all there is to this provision.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

The amendment was rejected.

Mr. CUMMINS. I offer the following amendment:

The SECRETARY. Strike out paragraph (e), page 3.

Mr. CUMMINS. Mr. President, the amendment strikes out the paragraph which makes negligence a crime. I discussed it at some length on Saturday, and I shall not take up the time of the Senate in repeating what I then said. I do not believe we have reached a time in this country, especially when we are at peace, when it should be made a crime to commit an act of negligence, even though it be gross negligence, unless some one or something is harmed or injured by the act of negligence. I do not know of any law in the world which makes an act of gross negligence a crime unless it is followed by injury.

Mr. WALSH. Mr. President, I think the Senator from Iowa forgets about speed laws. If I go speeding at a reckless rate down Pennsylvania Avenue I may not do anybody any harm, but I am punished, notwithstanding, simply because the tendency of that thing is to result in harm to people. That is the theory upon which this part of the bill is framed. We punish one who through gross neglect loses important documents relating to the national defense—plans of defense, and otherwise—even though no harm comes to the Government, because if things of that kind are overlooked it is not at all improbable that those documents will get into the hands of some foreign power with which, unfortunately, we may in future be at enmity.

I think, upon reflection, the Senator from Iowa will not feel that in his statement he is quite accurate.

Mr. CUMMINS. I think the Senator from Montana is wrong in his application of the instance he put. Suppose a man does race down Pennsylvania Avenue at a grossly negligent speed, and there is no law which fixes the speed, no law which determines how fast he can go, if he injures no one he does not become a criminal. There is not a law I remember anywhere that would punish him as a criminal. If Congress fixes a speed which travelers must regard on the streets of Washington, then if he exceeds the speed he would even be guilty of a crime.

Mr. OVERMAN. One of the oldest cases I remember when I read Blackstone was that of a man on top of a building who was so grossly negligent that he allowed a brick to fall over and kill a man, and that was a crime under the law.

Mr. CUMMINS. That is what I said a moment ago. That was followed by some injury.

Mr. OVERMAN. This gross negligence is a quasi crime, and we have made it an unlawful act.

Mr. CUMMINS. I do not know what the Senator means by a quasi crime. Negligence subjects one to civil penalties. There may be damages recovered for negligence of various grades, but I do not know of any law that makes negligence of any degree a crime unless some one is injured or something is injured. I think, though, it is not comparable with some of the other things in the bill. I am becoming numb, absolutely numb, as I hear such legislation defended. I have offered the amendment because I believe we ought to have no such statute; but if other things I have mentioned do not appeal to Senators I am sure this will not.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

The amendment was rejected.

Mr. CUMMINS. I offer the following amendment.

The SECRETARY. It is proposed to strike out paragraph (f), pages 3 and 4.

Mr. CUMMINS. Mr. President, this is the paragraph which makes it a crime to post a letter or document containing any matter written in any medium which is not visible until subjected to heat, chemicals, or some other treatment. I made some observations upon it Saturday, but I have no reason to think they made any impression. My remarks upon it, I have no doubt, are just as invisible upon the minds of those Senators who are here as is the ink which is to be made criminal here upon the paper.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa. [Putting the question.] The yeas seem to have it.

Mr. TOWNSEND. May we have the amendment read?

Mr. CUMMINS. I ask for the yeas and nays upon it.

Mr. WALSH. Mr. President, my attention was diverted for a moment. I desire to say a word about the amendment. I believe that paragraph (f) can scarcely be justified, and I think upon reflection the Senator from North Carolina will agree that it may very properly go out. I can not believe that there is much occasion for it. If writing of that character could be utilized for the purpose of conveying to an enemy information concerning the national defense, in order to get a conviction we would be obliged to establish that the communication was made in that manner. Yet it seems to me that it would be next to impossible to establish that a communication was made in that manner unless one possessed the secret by which the invisible writing could be brought out. If it was brought out then the character of it would be disclosed. It carries, as a matter of course, a communication that is entirely innocuous upon a matter totally unrelated to the public defense, as well as one which would fall within that class. It does not seem to me that we can justify ourselves in a sweeping provision of this character.

Mr. WADSWORTH. Will the Senator yield?

Mr. WALSH. I will be glad to yield.

Mr. WADSWORTH. Does it not seem also to the Senator that it should apply to a communication in code? If we are to forbid secret communications of any sort, why not include communications in code between two gentlemen?

Mr. WALSH. I would not be able to distinguish any difference.

Mr. WADSWORTH. I believe this is a rather remarkable provision in the bill, because apparently the provision does not relate to national defense whatsoever.

The VICE PRESIDENT. The Chair will put the question again.

Mr. OVERMAN. This matter was discussed by the committee a good deal. I remember the Senator from Montana [Mr. WALSH] was opposed to it in the committee, but I think he yielded. I know very little about how this is done. I am told that there is a good deal of secret information conveyed by this method; that sometimes they may have invisible writing, by which you can take up the paper and it will not show a thing, but it is detected and the information conveyed when it is subjected to heat. That sort of information I know is conveyed now throughout the world by means of invisible writing by the application of some chemical. I admit what the Senator from Montana says as to proving it, but it does not do any harm if you can not prove it. This is to stop people from trying to convey secret information or hostile information against the Government by some kind of a method that I know has been used by means of chemicals.

Mr. TOWNSEND. This does not refer to information connected with the Army at all.

Mr. OVERMAN. That is what it is intended to do.

Mr. TOWNSEND. It is not mentioned anywhere.

Mr. OVERMAN. We can only reach it by prohibiting the whole thing. However, I am willing to let it go out.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUMMINS. I am very much obliged. I offer the following amendment: After the word "in," in line 12, page 5, I move to insert the word "willful."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Iowa.

Mr. CUMMINS. Mr. President, this seems to me to be rather an obvious omission. I hope the Senator from North Carolina will be willing to insert it in the bill. The provision to which it is directed reads as follows:

Whoever, in time of war, in violation of regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall collect, record, publish—

And so forth.

It is highly essential, I think, that the violation should be a willful one; that is to say, inasmuch as we are about to dele-

gate to the President the authority to prescribe rules with regard to speech and publications, no one should be held guilty of a violation of the regulation unless he had or should have had knowledge of the regulation. We are all held to have knowledge of a law which has passed in the regular way and published as provided by the Constitution and the statutes, but how are men to be informed with regard to the regulation that may be prescribed by the President? Does not the Senator think that before one is punished merely for publishing or communicating or speaking of these things it should be a willful violation?

Mr. OVERMAN. Where does the Senator propose to put in the word "willful"?

Mr. CUMMINS. I propose to put it in after the word "in" and before the word "violation," in line 12, page 5.

Mr. OVERMAN. Will the Senator read it as he proposes to insert it?

Mr. CUMMINS. I will read it as it would be if my amendment were adopted:

Whoever, in time of war, in willful violation of regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition—

And so forth.

Mr. OVERMAN. This is a time of war, and I do not think the word "willful" should be in there. Everybody ought to be forbidden from doing the act which is denounced whether willful or not. I am opposed to the amendment.

Mr. CUMMINS. I know that my only chance is to appeal to the Senator from Montana [Mr. WALSH]. He is the only one who can convince the Senator from North Carolina.

Mr. OVERMAN. He did not convince me on the former amendment.

Mr. WALSH. Mr. President, the Senator from Iowa does me too much honor. Let me inquire of the Senator, though, just what case he contemplates reaching by this wording. What class of violations would be exempted? I find it a little difficult to understand just exactly what the significance of the matter is. The President issues and promulgates certain rules and regulations concerning the collection and dissemination of information touching these matters in time of war. These are all published, and, under well-accepted rules, everyone takes judicial notice of those rules and regulations. Now, a newspaper man, in violation of those rules and regulations, collects and publishes the information. It is the purpose to make him amenable to the provisions of the proposed act. How could a man collect this information and disseminate it in violation of the rules and regulations without doing it willfully?

Mr. CUMMINS. My idea is that the word "willful" contemplates knowledge of the regulations. I am somewhat fearful of mere regulations. They have not the publicity of law, and it might very well be that in obscure portions of the country—not in New York, not in Chicago, not in Washington, but in parts of the country that are somewhat remote from the seat of government—a great many people would violate this paragraph in utter ignorance of the existence of any such regulations.

Now, mark you, if it only referred to newspapers, I would not be here to say a word upon this point. I assume that they would know what the regulations of the President are. I am opposed, of course, to giving the President the power to suppress newspapers entirely, absolutely, as this provision does; but that is a very little thing as compared with many other features of this bill. It is true that we never have had a law which contemplated the absolute suppression of all news, of all communication between citizens relating to the national defense, but I am not now discussing that. However, in my own State and in the Senator's State there are a great many people who communicate with each other concerning the national defense who will be in entire ignorance of the fact that they have been forbidden to do so by the President, for, mark you, this is not confined to publications or newspapers. It says:

Shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense or calculated to be, or which might be, useful to the enemy.

If two farmers in Iowa or two miners in Montana were sitting down together and discussing the public welfare, and one of them—I am assuming now that it had been forbidden by the President to do so—should communicate to the other any information with regard to the movement, numbers, description,

condition, or disposition of any part of the armed forces of the country or any information relating to the public defense, he would become a criminal. I do not think he ought to become a criminal unless he knows that he has been forbidden by an Executive order to do those very common, ordinary, and, as we have hitherto supposed, legitimate things. Does not the Senator from Montana believe that so much security, at any rate, should be preserved?

Mr. WALSH. Mr. President, it will be borne in mind that, in the first place, this provision applies only to time of war; in the second place, it will be borne in mind that the thing is expressly forbidden by rules and regulations promulgated by the President of the United States as Commander in Chief of the Army and the Navy.

The Senator from Iowa has often said in the course of this discussion that in time of war he is willing to accord the most extraordinary powers to the President of the United States. Of course, this is an extraordinary power; but I was not sufficiently imaginative to think that the Senator intended by the word "willful," as it applied here, to excuse one who could plead ignorance of the rules and regulations. These rules and regulations, of course, have the force of law; and no man is permitted to excuse himself, under well-established principles, for the violation of a criminal statute by asserting that he did not know what the law was; and I dare say the Senator from Iowa will recognize that the whole value of the provision is gone if a man may say, "I did not know anything about the regulations."

Of course, the Senator from Iowa presents an extreme case of two neighbors sitting down to talk about the war that unfortunately is progressing; but it is scarcely conceivable, Mr. President, that the President of the United States, in issuing his rules and regulations, will frame them in such a way as to forbid communications of that character. I think, if that is the significance that is to be given to the word "willful" in the act, I must turn a deaf ear to the personal appeal made to me by the Senator from Iowa.

Mr. LEE of Maryland. Mr. President, this is one of the points with reference to which I must desert the Senator from Iowa [Mr. CUMMINS]. I am inclined to think that item (c) is absolutely correct. As has been pointed out, it applies to times of war; it applies to military movements in time of war, and if you will permit me to illustrate by an anecdote, I can show just exactly what kind of a situation it would apply to.

I had this statement from Gen. Grant's Engineer Chief of Staff, that on a certain occasion Gen. Meade, having heard of an exposed and unprotected position south of the Potomac, massed troops—infantry, artillery, and cavalry and proper supplies—at a given point for the purpose of attacking the unprotected place. He did it with great secrecy, as he thought, and he was ready to make the attack when a full report was printed in one of the morning papers of New York, describing every movement he had made for the purpose of this secret attack. Gen. Meade was rather a testy officer, and he had the two reporters involved tried by court-martial, drummed out of camp, and prohibited from again being seen within the limits of the Federal lines. The result of it was that the whole press got down on Meade, and he was given what was known as the "silent treatment" so effectively, as this general officer told me, that he thought many of the Federal troops in the Battle of Gettysburg did not know that Meade was their commanding officer.

Mr. President, that is an illustration of an absolutely wrongful act committed by newspaper enterprise—both wrongful acts—and that is the kind of a wrongful act that this section (c) prohibits, and prohibits with a great deal of vigor. I think it is all right; but when you go back to section (d), on page 3—we have passed that, but it may yet come up in the Senate—I think that is as far in the wrong as the provision under discussion is right.

Eliminating certain of the parenthetical sentences, subdivision (d) would simply read:

Whoever, lawfully or unlawfully, having possession of information relating to the national defense willfully communicates or transmits the same to any person not lawfully entitled to receive it shall be punished—

And so forth.

That, I take it, Mr. President, is aimed at any newspaper reporter who gets any kind of information about military matters in time of peace. Now, I desire to give an illustration where newspaper enterprise was of a good deal of use to the country within a few months in connection with a matter affecting the National Guard. It will be recalled that, under a suspension of the rules, an appropriation of \$2,000,000 was put through here last summer on the Army appropriation bill to

provide for the dependents of members of the National Guard who were serving under the President's call. That provision was in vigorous language, and yet, Mr. President, somebody in the War Department had the Secretary of War refer that provision to the Treasury Department, and the Treasury Department knocked the heart out of that appropriation by the construction they put upon it. Fortunately for the country and fortunately for the National Guard, a newspaper man discovered what was going on. He published it in the evening newspapers, and we were able, by an amendment which I offered to the revenue bill, to correct that construction by the Treasury Department of the amendment which provided for the dependent families of soldiers serving in the National Guard at the border.

Mr. President, fortunately the enterprise of a newspaper man gave us the necessary information and we were able to prevent that crippling effort directed against the efficiency of the National Guard.

There was a legitimate exposure in time of peace of something affecting the national defense which that reporter had a perfect right to print, and that reporter ought not to be sent to jail for printing it; and yet, under subdivision (d), on page 3, a reporter publishing such information, upon which the Senate of the United States acted, immediately would be sent to jail.

This illustration shows in what an excited and hysterical manner this proposed statute is being considered. The demarcation or line to be drawn through the whole effort to enact a law of this kind should be between times of peace and times of war. In times of war it is the patriotic duty of the press to keep silent as to the number, condition, and movement of Federal troops. In times of peace in a Republic like ours, in my humble judgment, the more they discuss the condition of our military affairs, the better it will be for the country.

Mr. OVERMAN. Question!

Mr. JOHNSON of South Dakota. Mr. President, I desire to call the attention of the chairman of the committee to a small matter in this bill.

Mr. OVERMAN. I suggest to the Senator that he allow us to dispose of the amendment that is now pending.

Mr. JOHNSON of South Dakota. Very well. I did not understand that an amendment was pending.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The question is on the amendment offered by the Senator from Iowa, which the Secretary will state.

The SECRETARY. On page 5, line 12, before the word "violation," it is proposed to insert the word "willful"; so as to read "in willful violation of regulations to be prescribed by the President," and so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] The "ayes" seem to have it; the "ayes" have it, and the amendment is agreed to.

Mr. OVERMAN. I ask for a division.

The PRESIDING OFFICER. The Senator from North Carolina asks for a division.

The amendment was rejected on a division.

Mr. CUMMINS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5, it is proposed to strike out in lines 22, 23, and 24, the following words:

or any other information relating to the public defense or calculated to be, or which might be, useful to the enemy.

Mr. CUMMINS. Mr. President, we have already given to the President the right to prescribe what shall be promulgated, published, or communicated—

with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct, of any naval or military operations, or with respect to any works or measures undertaken for or connected with or intended for the fortification or defense of any place.

I have no objection to so much of the paragraph. It is limited to a time of war; and, while it is vastly more stringent than the provisions any other country in the world ever had in time of war, vastly more comprehensive than either England, France, or Germany has at the present time, if I understand their laws aright—I only understand them by knowing what is being said in those countries and what is being printed in the newspapers there, and I assume that all of it is lawful—nevertheless I am willing to fall in with this march toward militarism and arbitrary government so far as to give the President in time of war authority to suppress all newspapers and all information and command silence among all the people with regard to these things, namely, "the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States." Of course he could foreclose discussion in Congress about those

things just as readily as he could foreclose discussion among private citizen about them. Possibly that will be one of the advantageous things that will be accomplished under the act. If I have objection to that I make none now. But when we get toward the close of the paragraph we see this language:

Or any other information relating to the public defense.

Now, I do not know, as I have said a great many times, what does relate to the public defense, and no human being can define it. Nobody has attempted to define it in this debate; and I repeat that I assume that it embraces everything which goes to make up a successful national life in the Republic. It begins with the farm and the forest, and it ends with the Army and the Navy. Now, I am unwilling to give the President, even in time of war, the right to lay an embargo upon information concerning those subjects. I think it unwise, and it is a power that might easily be abused.

But that is not all:

Or which might be useful to the enemy.

If the President can determine what in his judgment could be or might be useful to the enemy, he could by the exercise of that discretion infinitely broaden his powers and suppress practically everything, every word, written or spoken. I do not believe in it, and therefore I have moved to strike it out; and the paragraph after it is stricken out will be strong enough, I think, to meet the views of the most ardent militarist.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa, which the Secretary will read.

The SECRETARY. On page 5, lines 22, 23, and 24, it is proposed to strike out:

Or any other information relating to the public or calculated to be, or which might be, useful to the enemy.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

Mr. JOHNSON of South Dakota. Mr. President, I desire to call the chairman's attention to some language which occurs in line 24, on page 3, which reads:

Whoever, within the United States, sends by post, or otherwise, any letter—

Mr. OVERMAN. That has gone out.

Mr. JOHNSON of South Dakota. Has that been stricken out?

Mr. OVERMAN. Yes.

Mr. JOHNSON of South Dakota. I was not aware of the fact.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 6, it is proposed to strike out of lines 5 and 6 the words "cause disaffection in or to," and out of line 6 the words "operations, or."

Mr. CUMMINS. Mr. President, if this amendment were adopted, section 3 would read:

Whoever, in time of war, shall, by any means or in any manner, spread or make reports or statements, or convey any information, with intent to interfere with the success of the military or naval forces of the United States, or shall—

And so forth. The words I seek to strike out are "cause disaffection in or to," in lines 5 and 6, and the words "operations, or," in line 6.

I suppose Senators know that we are here creating a substantive offense that is new, I think, to the world:

Whoever, in time of war, shall, by any means or in any manner, spread or make reports or statements—

They may be perfectly true; they may be highly necessary and desirable; but if the intent is to interfere with the operations of the military or naval forces of the United States, the man who utters or makes these statements becomes a criminal. If this were the law in England, I wonder whether the agitation which led to the leadership and the promotion of Lloyd George would have taken place? I wonder if the articles in the London Times which exposed the errors, the mistakes, the blunders which had been committed in the Dardanelles campaign would ever have seen the public eye or been heard by the public ear? I wonder if the agitation in France which finally led to the deposit of great power in the hands of the premier would ever have taken form? Is it possible that Members of Congress are to be told that in time of war no man can utter a criticism that may interfere with the military or naval forces of the United States?

Mr. WALSH. Mr. President, does not the Senator entirely overlook the significance and importance of the words "with intent to"?

Mr. CUMMINS. No. If I believe the welfare of my country and the success of the military forces of the United States requires a criticism, I claim the right to utter it, and I intend to utter it, and that is my sworn duty.

Mr. WALSH. But, Mr. President, that is not the act that is denounced here.

Mr. CUMMINS. It is the act that is denounced here, as I view it.

Mr. WALSH. The act denounced by this bill is the spreading of statements with intent to cause disaffection among the troops and to interfere with the military operations of the country. There must be the specific intent to do the wrong.

Mr. CUMMINS. Mr. President, I can not understand the mental operations of those who are supporting this bill. I admire their alertness in always finding a refuge of that sort; but the bill says:

Whoever, * * * with intent to * * * interfere with the operations * * * of the military * * * forces of the United States—

That is one statement of the bill. Now, if any citizen saw great blunders being made, disaster immediately before us, and if he could not rise and intentionally interfere by speech, if possible, with the operations that were in progress, we have become indeed a nation without spirit and without liberty.

Mr. THOMAS. Mr. President—

Mr. CUMMINS. I yield to the Senator from Colorado.

Mr. THOMAS. I merely interrupted to suggest to the Senator that striking out the word "disaffection," on line 9, and the word "or," on line 10, would seem to be necessary to perfect the whole amendment.

Mr. CUMMINS. My amendment strikes out the words "cause disaffection in or to."

Mr. THOMAS. That is in lines 5 and 6; but in line 9 is the word "disaffection," and on line 10 is the word "or."

Mr. CUMMINS. No; I am quite willing to leave the latter part of the section as it is, because—

Mr. THOMAS. There is nothing to give force to the word "disaffection" where it appears the second time, if it is allowed to remain in the bill.

Mr. CUMMINS. Well, the word "such" might be stricken out.

Mr. THOMAS. No; the words "disaffection, or," so as to read "calculated to cause such interference."

Mr. CUMMINS. No; the Senator from Colorado does not quite grasp what I mean.

Mr. THOMAS. I understand the Senator's purpose.

Mr. CUMMINS. I believe that a man who writes or promulgates or spreads a false report to bring about disaffection or interference ought to be very severely punished; but the man who states a truth, something that he believes to be necessary in order to accomplish ultimate success, ought not to be punished.

Mr. THOMAS. Then the word "such" should be eliminated.

Mr. CUMMINS. I think so, if my amendment is adopted.

I am willing to attach any punishment that may be suggested for one who, with intent to interfere with the success of our military forces, shall make statements, true or false; but when it is said that no one in this country can make a truthful statement if he has intent to interfere with what is going on in the military world, I think that you are sapping the very life-blood of a free people. If this had been the law, as I said before, the great movement which led to the reformation of the English military strength and promoted the present leader to his place of authority would have been a criminal movement, and it likewise would have been criminal for the same reformation to have been undertaken in France.

Mr. WALSH. Mr. President—

Mr. CUMMINS. I yield.

Mr. WALSH. If any such significance is to be given to the bill at all, I am very sure the Senator will recognize that none of us could give it any support whatever; but, of course, we differ with the Senator with respect to that matter, and none of us can conceive that it would. Now, the Senator is at perfect liberty, if this should become a law, to say whatever he chooses in criticism of any campaign that is waged.

Mr. CUMMINS. Do I not intend by that criticism to interfere with the movements of the military forces?

Mr. WALSH. Not at all.

Mr. CUMMINS. Why do I say it, then?

Mr. WALSH. Why, the Senator says it simply so that the policy may be changed, so that the plans may be changed. That is not interfering with the operations, or making a statement in order to interfere with the operations. Making a statement in order to interfere with the operations would be giving informa-

tion to the enemy, or giving information to the forces that would lead them into disaster. That is the thing that is to be done.

Mr. CUMMINS. That is not possible.

Mr. WALSH. What the Senator would like to do, under those circumstances, is not to raise disaffection among the troops. His purpose is to raise disaffection among the people with the men who are directing the troops.

Mr. CUMMINS. Well, I would not at all think myself in error, even though I sought to create disaffection among the troops, if I was declaring a truth. If I could bring about an immediate change by the promulgation of a truth, I would feel that I ought to do it. Why is it that the Senator from Montana is not satisfied when we say a man can not even tell the truth if it will interfere with the success of our military forces?

Mr. WALSH. Mr. President, suppose that Lloyd George had known about some fatal weakness in the English forces in the unfortunate and disastrous Gallipoli Peninsula campaign, and he had told about that weakness. Does the Senator desire to leave him at liberty to do so? Why, Mr. President, that was not the way that the revolution was accomplished, either in England or in France. No one had accused Lloyd George of seeking to create disaffection and dissension among the troops in the field. He criticized, and so did Lord Northcliffe, very severely indeed, the general conduct of that campaign and the wisdom of carrying it on at all; but neither of them could be accused, in anything that he said in connection with the matter, either of a desire to create disaffection among the troops in the field or of a desire to interfere with the military operations.

Mr. CUMMINS. Mr. President, I did not mention any speech of Lloyd George's. I said that the campaign supported by the London Times would have been a crime, because that great paper did, in the most emphatic way, interfere or attempt to interfere with the military operations at the Dardanelles. Lord Churchill—I do not know whether that is his title or not, but the former First Lord of the Admiralty—made a speech in the House of Commons with the express purpose of preventing certain military operations and securing the withdrawal of the troops from eastern Europe.

The Senator from Montana is in error, at least I believe he is in error, when he says that such a statement will not in a legal sense be held to be statements with the intent to interfere with the operation of our Army and Navy. I think they must be held to be statements made with such intent. If we ever unfortunately fall into war free speech should be preserved as completely as is consistent with the public interest. When we have forbidden all men to tell the truth if it is told with intent to interfere with the success of our armed forces, I think we have gone as far as we should in commanding silence.

The next clause in the paragraph relates to false statements. I do not care how severe the penalty be made with regard to them, but the first part of the paragraph, the one to which my amendment is directed, is limited to statements that are true.

Mr. LEE of Maryland. Mr. President, I should like to ask the Senator from Iowa if an amendment would be satisfactory to him inserting after the word "disaffection" the following words: "In the Navy or Army of the United States"? That I think is the idea which the Senator from Montana [Mr. WALSH] really has in mind. The disaffection which he wishes to discourage is in the ranks of the fighting forces, and evidently disaffection there is most undesirable in any stage of a war.

Mr. CUMMINS. I ask the Senator from Maryland this question: Suppose you saw a condition which you thought ought to be remedied and rose to describe it and did describe it. Suppose you knew, after you had described it, it would have a tendency to cause disaffection among the troops. Does the Senator from Maryland think, if he honestly believed that was the only way in which the reform could be brought about, he ought to remain silent or be a criminal because he tells the truth?

Mr. LEE of Maryland. I am inclined to think that the acts which excite disaffection in fighting troops have to be of a very radical, serious, and ugly nature. I do not believe that mere parliamentary discussion or agitation of a political nature in the papers is apt to make troops on the firing line disaffected. There is where the line should be drawn. The word "disaffection" as it appears here would cover disaffection at home; it would cover all forms of criticism of the military administration, whereas it should be limited to disaffection among troops. I do not believe that any speech that any man could make in Congress would affect men on the fighting line in a great war or create any serious disaffection, because those men are in such a position physically that they have got to fight to live, as a rule, under modern conditions. The word "disaffection," there-

fore, clearly should be made to apply to the fighting force, and not to prevent any political discussion in a free parliament or a free Congress.

Mr. CUMMINS. Mr. President, I would be very willing to accept the modification which has just been proposed by the Senator from Maryland. I had some experience with a part of the troops that were lately sent to the border. We were not in a state of war, but suppose we had been in a state of war with Mexico. There were things done there which I thought were wrong, injustices practiced upon certain of the troops. I made such inquiry as I could, and I was not slow to denounce the practices which I thought to be wrong. I hope the statements I made in regard to them were true, but I could have been convicted, assuming that one means the thing which naturally flows from his act or word. I could have been convicted of an intent to cause disaffection among these troops. I can not believe that the Senate proposes to take that right away from either myself or any citizens of the United States. But that is not so vital a part of my amendment as the effort to eliminate the words "interfere with," because I think that every attempt to change a military situation must be construed as an interference with the military operations, and if one has that intent he becomes amenable or subject to this law.

Mr. NEWLANDS. Will the Senator yield to me?

Mr. CUMMINS. I yield the floor.

INTERSTATE COMMERCE COMMISSION.

Mr. NEWLANDS. I desire to ask unanimous consent—

Mr. OVERMAN. I object to anything being done right now until we get through with the bill.

Mr. NEWLANDS. Will the Senator first listen to what I have to say with regard to it?

Mr. ROBINSON. Let the Senator from Nevada state his request.

Mr. OVERMAN. Very well.

Mr. NEWLANDS. I think it will be reasonable. I ask unanimous consent that Order of Business 406, being House bill 308, entitled "An act to amend the act to regulate commerce, as amended, and for other purposes," be considered to-morrow night at 8 o'clock, and that the Senate take a recess to-morrow afternoon until 8 o'clock in the evening for that purpose.

Mr. FALL. Will not the roll have to be called to get a quorum here for that purpose?

Mr. ROBINSON. No; not for that purpose.

The PRESIDING OFFICER. The Chair will state that the only time when the roll has to be called for a quorum is when unanimous consent is asked to fix a time for a vote on a bill or a joint resolution.

Mr. NEWLANDS. I will state that it is a matter of great urgency. The Interstate Commerce Commission is, as we all know, overloaded. Its duties have been very largely increased by reason of legislation regarding valuation, and so forth, and it is of the highest importance that the membership should be increased from seven to nine and that it should be permitted to divide itself into divisions, each division to have the same jurisdiction as the commission itself.

Mr. OVERMAN. Why can not the Senator make that request to-morrow and let us go on with the bill that is before the Senate?

Mr. NEWLANDS. Perhaps there may be some opposition to it.

Mr. FALL. There certainly will be opposition at this time, when we are considering another bill.

Mr. SIMMONS. I wish to make a suggestion to the Senator.

Mr. OVERMAN. I call for the regular order.

Mr. ROBINSON. I ask unanimous consent to make a brief statement.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Arkansas?

Mr. OVERMAN. I yield for that purpose.

Mr. ROBINSON. Mr. President, the Committee on Interstate Commerce had a meeting yesterday and determined that the necessity for passing the bill which the Senator from Nevada has in mind increasing the membership of the Interstate Commerce Commission and authorizing it to form divisions or sections is indisputable. The commission is so crowded with its work that it will break down unless this relief is afforded, and, in fact, the whole system of governmental regulation of interstate commerce may break down.

By way of illustration, the number of formal complaints pending February 1, 1917, was 1,221, the number of suspension cases on the same date was 157, making 1,378 proceedings of investigation involving the reasonableness and propriety of rates.

Mr. President, that is just one class of work before the commission and it does not involve the greatest amount of work.

The second important task before the commission is the valuation of the physical properties of the railroads of the United States. Heretofore and until recently this work has proceeded largely through the agents of the commission, but the work has now reached a stage that requires the personal attention of the commission. If this work is to be successfully and fairly done, the commission must be afforded some relief.

Another class of work which the commission is now charged with is that growing out of the Panama Canal act, and still a fourth class is that arising under the Clayton Antitrust Act. The car-shortage question is at present one requiring a great deal of work upon the part of the commission; and while, of course, it is hoped that this work is temporary, it is at present exacting a great deal of labor.

The Cummins amendment passed during the last session of Congress is just now beginning to impose a large amount of work upon the commission. Thus there are seven different phases or classes of work devolving on the commission that I have in mind and that I am mentioning from memory. One member of the commission has broken down physically. Mr. Clark, who is one of the most valuable members of the commission, has broken down from overwork. At one time recently four members of the commission were in such physical condition that they were unable to work.

Mr. President, Congress is constantly loading the commission with work. We are passing frequently resolutions involving investigations, and we have imposed upon the commission a large amount of very arduous work in addition to that required by the general law.

I submit it is unfair for Congress to refuse to make some provision that will enable that body to perform the increasing duties we are constantly imposing upon it.

The bill should not require any great length of time on the part of the Senate. If the Senate wants to break down the commission and destroy its usefulness, it can accomplish that end by refusing the reasonable request of the Senator from Nevada. I, as a Senator, would not want to take that responsibility. I believe that Senators, in the exercise of the power of objection, which is now the power, under the conditions we are legislating, to prevent legislation, should agree to this request out of a sensible regard to the public interest.

If the Interstate Commerce Commission is to perform its very important functions which we have defined and imposed upon it by law, then, in good conscience, give it the opportunity of doing so.

Mr. BRANDEGEE. Mr. President, I thank the Senator from North Carolina for his courtesy in allowing this matter to intervene. I realize how anxious he is to get through with his bill. I, too, attended the meeting of the committee yesterday to which the Senator from Arkansas has referred, and I hope that no one on this side of the Chamber will object to giving us a chance to see if we can not pass the bill by devoting to-morrow night to it. Let us see if we can not pass it. It is a measure of the very utmost importance. I entirely agree with the chairman of the committee and the Senator from Arkansas that the work we have heaped upon that commission will break it down without this relief, and if we are to adjourn for nine months tremendously important subjects will be before the commission which can not be attended to at all.

Mr. POMERENE. Mr. President, if I may say just a word, while there are some differences of opinion among the members of the committee as to what the provisions of the bill should be, there is no difference, I dare say, at all among the members of the committee as to the necessity of some legislation increasing the membership of the commission. I feel that we would be almost guilty of a crime if we should adjourn this session without granting some relief. I hope there will be no objection to an order made such as the Senator from Nevada has requested.

Mr. SIMMONS. Mr. President, I recognize the importance of this legislation and I am as anxious as the Senator from Nevada, the Senator from Arkansas, and other Senators on the committee to have action upon the commission bill. The membership of the commission ought to be increased; but, Mr. President, I gave notice that to-morrow morning I would move to take up the revenue bill, and I dislike to agree to any arrangement just at this time which would displace that bill.

Mr. ROBINSON. Will the Senator allow me?

Mr. SIMMONS. Just pardon me one moment. I shall be anxious after starting with the consideration of that bill to proceed with it without interruption. It is probable if the Senator will let his suggestion go over until to-morrow I may see my way clear some time during the day—to-morrow—after the bill is

taken up, to consent to having to-morrow night devoted to it, but I would not like to do that now. If that is not satisfactory, I will make the suggestion that this evening instead of a recess we take an adjournment and give the chairman of the Committee on Interstate Commerce the benefit of the morning hour to-morrow, and I think the nearly two hours he would have would afford him ample opportunity to pass the bill. Then at the expiration of the morning hour, after he has finished his bill, if he has not finished it before that time, I will move to take up the revenue bill.

Mr. BRANDEGEE. Mr. President, I was going to ask the Senator from North Carolina and the Senator from Nevada why we could not have an evening session to-night?

Mr. SIMMONS. My colleague [Mr. OVERMAN] desires to go on and finish the bill which is the unfinished business to-night.

Mr. BRANDEGEE. That I did not know.

Mr. SIMMONS. I hope that arrangement will be satisfactory to the Senator from Nevada, and if it meets with the approval of my colleague, who is in charge of the pending bill, we will have a morning hour to-morrow during which time the commission bill can be considered.

Mr. OVERMAN. I do not know how long it is going to take to finish the bill that is now before the Senate, but we have gotten so far with the bill that I shall insist on going on with it until we pass it. I hope to finish it to-night.

Mr. NEWLANDS. Does the Senator object to an adjournment until to-morrow so that we will have a morning hour to-morrow within which to consider the commission bill, as the Senator's colleague suggests?

Mr. OVERMAN. If this bill is finished.

Mr. NEWLANDS. Suppose it is not finished?

Mr. OVERMAN. Then I shall desire to proceed with it until it is finished.

Mr. WADSWORTH. In all humility, Mr. President, and with no desire to seem impertinent, would it not be possible for gentlemen who are responsible for the conduct of legislation in the Senate to discuss these matters and come to an agreement as to what bill is going to come up next in such a way as not to interrupt the business of the Senate we are now engaged in? If the discussion proceeds much further I shall be forced to insist on the regular order.

Mr. OVERMAN. I think the Senator from New York has made a very apt suggestion.

Mr. WADSWORTH. Senators on this side are as anxious as are the Democratic Senators that the business of the Senate shall be finished by March 4, but we are confronted with a situation that Senators on the Democratic side do not seem to have any program to bring about that state of affairs.

Mr. SHAFROTH. I will state, if the Senator will allow me, that it is impossible to have such an arrangement as the Senator speaks of, for when a person has arranged the matter so as to take up one measure some one else jumps in and interferes with it.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Arkansas?

Mr. OVERMAN. I yield.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. ROBINSON. The suggestion of the Senator from North Carolina [Mr. SIMMONS] would be satisfactory to me and to some of the rest of us who are interested in the railroad legislation, but if the Senator from North Carolina [Mr. OVERMAN] in charge of the bill now under consideration, objects, I ask if he would object to unanimous consent to make the bill which the Senator from Nevada [Mr. NEWLANDS] has in charge a special order for Thursday night of this week?

Mr. OVERMAN. I do not object.

Mr. ROBINSON. I suggest to the chairman of the committee to submit that request.

Mr. NEWLANDS. Well, I will submit that request.

Mr. SIMMONS. Mr. President—

Mr. OVERMAN. I think we will get through with this bill before long.

Mr. SIMMONS. I suggest to the Senator that he try out the suggestion and dispose of the matter in the morning during the morning hour.

Mr. NEWLANDS. If that is agreeable to the Senator's colleague, I shall not object.

Mr. OVERMAN. It is agreeable to me.

Mr. NEWLANDS. If we do not succeed, then we will consider the suggestion for a night session.

Mr. ROBINSON. I understood the Senator from North Carolina to object to that.

Mr. OVERMAN. No; I do not object to that.

Mr. CUMMINS. A parliamentary inquiry, Mr. President. Has there been any agreement of any kind made?

Mr. ROBINSON. No.

The PRESIDING OFFICER. The Senator from Nevada was understood by the Chair to have withdrawn his request for unanimous consent for the consideration of the bill named by him.

Mr. NEWLANDS. I will bring it up to-morrow during the morning hour.

OFFENSES AGAINST THE GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

Mr. FALL. Mr. President, is the unfinished business now before the Senate?

The PRESIDING OFFICER. The unfinished business is before the Senate as in Committee of the Whole. The amendment of the Senator from Iowa [Mr. CUMMINS] is pending.

Mr. FALL. Mr. President, as I understand, the amendment of the Senator from Iowa is pending, and I desire to address myself merely for a moment to that.

I think the Senator is correct in his assumption that the power which is proposed to be vested here—that is, the power to punish certain acts—has never before been provided. He is correct in that, but there has been an occasion, Mr. President, in the history of this country when this power was needed just exactly as the power provided for in this bill is now needed, and that power was used. It was possibly usurped—it was the power to deal with a man who disseminated reports causing not dissatisfaction but disaffection in the armed forces of the United States. That man was a citizen of Ohio. His name was Vallandigham, and Abraham Lincoln usurped the power to put him beyond the confines of the United States, because he did not have the power vested in him by Congress to punish him as he should have been punished.

That is exactly what is aimed at in this section of the bill. It is not a question of anyone simply criticizing, as in the instance mentioned, through the newspapers published in Great Britain with reference to a criticism of the Dardanelles campaign, which might cause dissatisfaction with the methods being pursued by those in command of the British Army, but it is aimed at such practices as that of Vallandigham and the copperheads—those, and no others—that they may not cause not dissatisfaction but disaffection.

As Abraham Lincoln said—I shall not undertake to quote his exact words, but in effect—the man who spreads reports tending to prevent enlistments in the armed forces of the United States when this country is facing a crisis and its existence is at stake is a traitor to the country. While there was no law that could punish him, the law of national necessity arose, and he used it, and sent Vallandigham beyond the confines of the United States.

Now, it is a question as to whether you want that power usurped—because it will be usurped in time of war if you do not place the power in some official—and the country saved, or whether you prefer that the Executive may be allowed to proceed in an orderly and constitutional and legal manner.

Mr. CUMMINS. Mr. President, I must say one word in reply to the rather extraordinary position taken by the Senator from New Mexico. Either he does not know his history or I do not know it. Vallandigham was sent beyond the limits of the Territory within the northern jurisdiction not because he had made a statement or a series of statements but because he was making false statements with regard to the conditions of the country, and especially with regard to the conditions of the war. Such statements ought to be punished, and there ought to be power to deal severely with one who issues false statements. That condition, however, is covered by the last paragraph of the bill, to which I have not sought to make any amendment whatever.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Iowa.

The SECRETARY. In section 3, on page 6, line 5, it is proposed to strike out the words "cause disaffection in or to," and to strike out of line 6 the words "operations or."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. THOMAS. Mr. President, I have an amendment which I desire to offer to section 6, on page 32, if it is now in order.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 32, line 6, it is proposed to strike out the word "or" and to insert the words "and concurrent jurisdiction with the district courts of the United States of offenses under this chapter committed."

Mr. OVERMAN. I think that is a very proper amendment, and that there is no objection to it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. CUMMINS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Iowa.

The SECRETARY. On page 7, line 7, after the word "hereof," it is proposed to insert the following words: "in which anything for the use of the Army or Navy is being prepared or constructed."

Mr. CUMMINS. Mr. President, I have very often referred to the section to which this amendment is directed. It is the section which is referred to in the first paragraph of the bill. Its effect is to give the President the power to designate any place other than those set forth in the paragraph to which an approach or upon which an entry is forbidden.

I attempt to limit this power by the words I have proposed in the amendment I have sent to the desk. I, of course, know that they will not be accepted; but I simply enter my protest against giving the President the power to forbid the people of this country from all its parts. I assume that he could under this power exclude the hundred million people of the United States from every part of the country, if it can be asserted that all parts of the country are connected in some remote way with the national defense. I submit the amendment simply as the expression of my position with regard to the law.

Mr. WALSH. Mr. President, I have not been able to appreciate quite accurately the effect of the amendment tendered by the Senator from Iowa; but I am convinced—and I address myself to the Senator from North Carolina—that there should be, and I think must be, some limitation upon this power. That it ought not be granted in this sweeping language, I think will be apparent to anyone who reflects upon the language of the bill.

Mr. OVERMAN. This matter has been considered by the committee and reported out, and I do not see why we should limit the power of the President. I am willing to trust the President of the United States, no matter who is elected to that office, as to what works he may designate and as to what things he may designate. I think the President of this country is a man who can be trusted, I do not care whether he is a Republican or a Democrat, and I think Woodrow Wilson in this emergency certainly can be trusted.

Mr. WALSH. Mr. President, there is no question about that at all; but we are making a law for all time, not one that is operative merely in time of war, or in time of threatened war, or in time of public danger.

Mr. OVERMAN. I have heard that stated upon this floor so often that I am tired of it. It has been stated a number of times by the Senator from Iowa. Some years ago the Congress of the United States passed 23 statutes, known as the reconstruction laws that went into "innocuous desuetude." No one was ever indicted under them, and no one called attention to the violation of those statutes. When it is necessary for something of this kind to be done, if we leave the matter to the President in time of peace and in time of war, he is not going to exercise it in time of peace; but he will exercise it in time of war, in time of great emergency; and the President ought to have that power, in my judgment.

Mr. WALSH. Mr. President, I was not really prepared to hear the Senator from North Carolina refer, as a model to be imitated at this time, to the acts passed during the reconstruction period for the purpose of carrying out a policy which those acts represented.

The trouble about this provision is, Mr. President, that there is no limitation at all. The President of the United States may designate any place whatever within the confines of the United States and say that to go thereon for the purpose of securing information concerning the national defense is a crime.

Mr. OVERMAN. Can the Senator imagine the President of the United States designating a place that ought not to be protected, such as a radio station or a naval station? Can the Senator conceive of the President of the United States designating a place under this paragraph just because he has the power to do so without any regard to the military necessity for the action?

Mr. WALSH. Mr. President, we have taken pains to make a Constitution which limits the power of the President with respect to all these matters, and up to the present time we have not deemed it wise to repose this power in him.

I do not recall that this particular section had any especial consideration by the Judiciary Committee. I feel justified in saying that in explanation of the attitude I take with respect

to it. I believe that some amendment of the section ought to be made.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Iowa.

Mr. TOWNSEND. Mr. President, as I have heretofore said to-day, I am very much in favor of enacting such laws as are necessary to make efficient, and to continue efficient, the various military and naval preparations which Congress has authorized; but I confess that I can not understand why at this time it is necessary to adopt section 6 at all. I do not wish to give unnecessary speculative power to the President. It seems to me that in section 1 you have covered all of the emergency grounds that could in reasonableness be anticipated. If, however, we can not strike out section 6, then this unusual power sought to be conferred upon the President certainly ought to be limited to a time of war. I think we make a mistake—

Mr. OVERMAN. I will accept such an amendment as that.

Mr. TOWNSEND. Well, then, if that amendment will be accepted, I will move it first.

Mr. CUMMINS. Mr. President, there is an amendment pending.

The PRESIDING OFFICER. There is an amendment now pending.

Mr. TOWNSEND. Very well; I will wait until that is disposed of.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

Mr. JONES. I ask to have the amendment stated.

Mr. WALSH. Let the amendment be again read.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 7, line 7, after the word "hereof," it is proposed to insert the words "in which anything for the use of the Army or Navy is being prepared or constructed."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

Mr. TOWNSEND. Now, Mr. President, after the word "power," in line 6, page 7, I move to insert the words "in time of war," so that it will read, "The President of the United States shall have power in time of war to designate," and so forth.

Mr. LEE of Maryland. I object to that amendment. I think the amendment of the Senator from Iowa covers the situation. The protection of a place where something is being made for the Government ought not to be limited to time of war.

Mr. CUMMINS. I desire to suggest to the Senator from Maryland that the amendment of the Senator from Michigan does not relate to that part of the section to which my amendment was directed. It relates to an entirely different subject.

Mr. LEE of Maryland. I may be under a misapprehension as to where the amendment of the Senator from Iowa comes in the bill. I ask that it be read again.

The PRESIDING OFFICER. The Secretary will read the amendment last adopted.

The SECRETARY. On page 7, line 7, after the word "hereof," the following words have been inserted:

In which anything for the use of the Army or Navy is being prepared or constructed.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Michigan [Mr. Townsend].

Mr. OVERMAN. Mr. President, I hardly think it would be wise to put in there the words "in time of war." There is preparation going on now.

Mr. TOWNSEND. But does not section 1 cover all that the Senator has in mind?

Mr. OVERMAN. I doubt it; and I hope the Senator will withdraw the amendment.

Mr. TOWNSEND. I should like to have the amendment go in and have the committee consider it, because I think when the Senator considers it he will see that we are going at a pretty good pace just now.

Mr. OVERMAN. I agree with the Senator that we are giving a great deal of power to the President; and I think he ought to have it. He ought to have that power right now, at a time like this, although we are not engaged in war. It may be that it might become necessary to commandeer things or designate places that we can not mention now. We are not in the secrets of the department, but they may be taking over certain places in this country that we know not of and that ought to be designated by the President in such an emergency as confronts us at this time. If there were not preparations going on now in connection with these matters, I would agree to the suggestion.

Mr. TOWNSEND. The Senator from New Mexico [Mr. FALL] makes a suggestion which perhaps may make it more satisfactory to the Senator from North Carolina, although it does not, in my judgment, strengthen my original suggestion. I will change it by making the amendment read, "in time of war or military necessity."

Mr. OVERMAN. "Or threatened war."

Mr. FALL. "Military necessity" would cover it better.

Mr. OVERMAN. With the words "military necessity" added, I do not object to the amendment.

Mr. CUMMINS. Mr. President, the Senator is directing his amendment—

The PRESIDING OFFICER. The Chair understands that the Senator from Michigan wishes to perfect his amendment by adding the words "or in case of military necessity." Without objection, the amendment is so modified. The Senator from New York is recognized.

Mr. WADSWORTH. Mr. President, may I ask the Senator from Michigan and the Senator from North Carolina if they will inform me as to whether or not the amendment now suggested by the Senator from Michigan will act so as to qualify that portion of the section which commences on line 10 of page 7, which reads:

He shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments, or of other Government offices, as information relating to the national defense.

Mr. OVERMAN. Is there any doubt about that? Does the Senator have any doubt about that?

Mr. WADSWORTH. I wanted to be perfectly certain about it.

Mr. OVERMAN. I rather think it does not. I think it applies to the whole section. The power which is given to him applies to time of war or military necessity.

Mr. CUMMINS. It applies to that section.

Mr. OVERMAN. I mean, it applies to the matter that the Senator read.

Mr. CUMMINS. It applies just to that paragraph.

Mr. OVERMAN. It applies to that paragraph down to the semicolon.

Mr. WADSWORTH. Do I understand the Senator from North Carolina to say that the amendment suggested by the Senator from Michigan applies only to the first paragraph of section 6?

Mr. OVERMAN. Down to the end of paragraph 6, it looks to me, without reading it. I have not time to read it. It goes down to the semicolon, anyway.

Mr. TOWNSEND. It ought to apply to all of section 6. That is my intention.

Mr. WADSWORTH. That is what I want it to do.

Mr. TOWNSEND. I want it to apply to the whole of section 6. If it does not do it, then I should like to have it.

Mr. FALL. Mr. President, in my judgment it does apply to both paragraphs, the entire section; but if there is any doubt about it, it ought to be made to do so.

Mr. OVERMAN. The second paragraph is, "he shall further have the power."

Mr. FALL. Yes; "he shall further have the power, on the aforesaid ground"; that is, in time of military necessity. I think it would relate back; but if there is any question about it, then I think it ought to be remedied to read in that way.

Mr. OVERMAN. I think, after reading it, the words "on the aforesaid ground" probably would relate back to the first part of the section.

Mr. WADSWORTH. Will the Senator also be so kind as to explain the proviso at the end of the section? I do not quite understand that proviso:

Nothing herein contained shall be deemed to limit the definition of such information.

Mr. OVERMAN. I can not explain it, except what it says—that "nothing herein contained shall limit the definition of such information" as the President shall prescribe.

Mr. WADSWORTH. The amendment offered by the Senator from Michigan would seek to place a limit upon the definition; then the proviso says that nothing herein contained shall limit it.

Mr. OVERMAN. Well, I am willing to let it go into the bill, and work it out in conference, and see if we can not make all of that in accordance with the terms of the bill.

Mr. FALL. Mr. President, if the Senator will allow me—

Mr. WADSWORTH. I shall be very glad to yield.

Mr. FALL. I think the proviso is intended to cover this proposition: That nothing in this section allowing the President to designate other places than those specifically designated in the act itself, of which section 6 is a part, shall be deemed to limit, within the meaning of this chapter, the definition of such information—that is, the information with reference to other places

and other things—to such designated matter, thing, or information. In other words, while it is very awkwardly worded, I think that in giving this additional power to the President to designate other things and other places it was not intended that this additional power should be construed as limiting the things which the additional power is spread over to the same class of things that were specifically designated in the bill itself. I think that is the purpose of it.

Mr. WALSH. Mr. President, I imagine that very likely the Senator from Iowa will agree that the limitation provided by his amendment is scarcely necessary in the bill in view of the amendment offered by the Senator from Michigan; and the Senator from Michigan will probably recognize that if his amendment is adopted there would seem to be no occasion for the amendment offered by the Senator from Iowa, because if the exercise of this power is restricted exclusively to times of war I do not think that it should be limited, or that the intention of the Senator from Michigan was that it should be limited to those conditions suggested in the amendment offered by the Senator from Iowa.

By way of illustration, we have been informed that foundations were laid at various places in Europe upon which to mount heavy guns when the occasion should arise. Suppose that it was deemed advisable, as a part of the military defense, to establish such foundations in various portions of the country. The President might be extremely desirous, and it would be quite necessary from the military point of view, that the work should be carried on in perfect secrecy. Such a place as that would scarcely fall within the limitations suggested by the amendment of the Senator from Iowa; but certainly if we were in the midst of war the President ought to be permitted to designate as a prohibited place a place of that character.

I think that the two amendments ought not to go concurrently. We ought to adopt the one and reject the other.

Mr. CUMMINS. Mr. President, if the amendment is adopted it will better the bill, but the latter part of the section is substantially as objectionable to me with the amendment added as before. The suggestion that the amendment would apply to the first part of the section is, I think, unfounded. That could hardly be so, and we would have the first part of the section limited as it has been by the amendment which has been adopted to it. The latter part of the section, if the present amendment is adopted, is confined to times of war or military necessity. That does not confine it greatly, if at all, for whenever the President thinks there is a military necessity then there would be one. There is no appeal, no review of his discretion in that regard, and there ought not to be. So the amendment that has been proposed is of no value whatever, as far as I am concerned, and I intend to move to strike out the entire section, beginning with the word "he," in line 10, when I have an opportunity to offer the amendment.

In order that we may understand what it really does in voting on the amendment offered by the Senator from Michigan, I beg to suggest that it gives to the President, or attempts to give to the President—of course, it is unconstitutional; it is absurd, in my opinion, to attempt to confer any such power upon the President, but we are trying to do it—"the power, on the aforesaid ground"—that is, on the ground that it would be prejudicial to the national defense—"to designate any matter, thing, or information belonging to the Government or contained in the records or files of any of the executive departments or of other Government offices as information relating to the national defense, to which no person—other than officers and employees of the United States duly authorized—shall be lawfully entitled within the meaning of this chapter."

There is but one interpretation which can be put upon that, and that is that we are attempting to say to the President that without respect to the character of the thing, matter, or information, no matter how far it is removed from the national defense, nevertheless the President can designate it as relating to the national defense, as information touching the public defense. Under that authority he could come to the office of the Secretary of the Senate and put the seal upon every page of the records of this body. He could go to the office of the collector of customs in the city of New York and put under lock and key, or subject, at least, to all the regulations of the national defense, everything contained in the record of entries and discharges of importations.

I should like to know why we want to give the President any power of that sort. It is better, of course, to give it to him only in time of war. It would be better if we should give it to him only for 50 years. It would be better if we should give it to him only for 25 years. It would be better if we

should give it to him only for 2 years, and far better if we did not give it to him at all.

I am not opposing the amendment offered by the Senator from Michigan, because while I think the addition of the words "military necessity" robs it of nearly all its effectiveness, yet it does at least look in the right direction.

Now, a word has been said with regard to the proviso. That means just one thing, and can not mean any other thing; namely, that fearing that there is some limitation in the previous part of this section—although I confess I fail to observe the limitation—in order to be sure that there is no limitation, the proviso is inserted. It reminds me a good deal of a lawyer friend I had who lived in Worcester, Mass. He was a very careful man, and in drawing up all instruments of conveyance he exercised the greatest diligence to see that no flaw could be found in any of the instruments, so he always began his conveyances in this way:

I hereby convey all the interest I have in and to certain property. I further convey all the interest I think I have in and to the said property, and I hereby convey all the interest that any person else may think I have in and to the property.

This proviso is just in that spirit. My friend from North Carolina believed that there might possibly be some things, some matter, some information in the United States which the President could not lock up under the previous part of the paragraph and therefore he inserts the proviso:

Provided, however, That nothing herein contained shall be deemed to limit the definition of such information within the meaning of this chapter to such designated matter, thing, or information.

With that clause added to the section nothing whatsoever could escape, on the earth, above the earth, or under the earth, and I compliment whoever drafted the section for the comprehensiveness of his views and the thoroughness of his purpose. He intended to rob the people of this country of all the stray privileges they might have enjoyed with respect to speech and publication, and he has done it most successfully.

I have anticipated what I intended to say upon my motion to strike it all out. It is utterly unnecessary. We have already legislated against everything that the imagination can conceive in the bill, and there is no use of saying to the President that he can declare white to be black, or that he can transform a communication with regard to the crops into a matter relating to the national defense.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan.

Mr. CUMMINS. I will simply say to the Senator from North Carolina that I intend to have a roll call on my amendment, if I am able to secure it.

Mr. OVERMAN. The Senator's amendment was adopted. Does he mean the motion to strike out?

Mr. CUMMINS. Yes.

Mr. OVERMAN. To strike out the whole section?

Mr. CUMMINS. No; to strike out that part of the section beginning with the word "he," in line 10.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan, on page 7, line 6, after the word "power," to insert the words "in time of war or in case of military necessity."

Mr. LEE of Maryland. I think the amendment of the Senator from Michigan is objectionable in one sense because it covers any place, for instance, where a battleship is being constructed in time of peace.

Mr. TOWNSEND. The law covers navy yards now.

Mr. LEE of Maryland. Most of them are made in private yards.

Mr. TOWNSEND. "Any other place" is the language of section 1.

Mr. LEE of Maryland. That is true.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. CUMMINS. I offer the following amendment.

The PRESIDING OFFICER. It will be read.

The SECRETARY. On page 7, line 10, strike out all after the word "defense," the semicolon, and the remainder of the paragraph, down to and including the word "information," in line 20.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

Mr. CUMMINS. I have already given the Senate my views about the latter part of the section. I do not care to repeat them. As far as I am concerned, the discussion is over upon the amendment. I ask for the yeas and nays upon it.

Mr. OVERMAN. All I have to say is that after accepting the amendment offered by the Senator from Michigan, making

it apply to a time of war, a clear case of military necessity, I hope this amendment will be voted down.

The PRESIDING OFFICER. The Senator from Iowa demands the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK]. He is absent, and I withhold my vote.

Mr. CURTIS (when Mr. GALLINGER's name was called). I was requested to announce the unavoidable absence of the Senator from New Hampshire [Mr. GALLINGER]. He is paired with the Senator from New York [Mr. O'GORMAN]. I will let this announcement stand for the day.

Mr. JAMES (when his name was called). I transfer the general pair I have with the Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. SIMMONS (when his name was called). I transfer my general pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. SMITH of Maryland (when his name was called). I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. THOMAS (when his name was called). In the absence of my pair I withhold my vote.

Mr. VARDAMAN (when his name was called). I have a pair with the junior Senator from Idaho [Mr. BRADY], and I withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. VARDAMAN. I desire to announce the unavoidable absence of the Senator from Tennessee [Mr. SHIELDS] on account of illness.

Mr. JONES. The junior Senator from Virginia [Mr. SWANSON] is necessarily absent from the Chamber, not feeling well. I have agreed to pair with him for the rest of the day. I therefore withhold my vote.

Mr. OVERMAN (after having voted in the negative). I see that my pair did not vote. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Tennessee [Mr. SHIELDS] and allow my vote to stand.

Mr. THOMAS. I desire to be counted for the purpose of a quorum.

Mr. STONE (after having voted in the negative). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Ohio [Mr. POMERENE] and let my vote stand.

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator. In his absence I withhold my vote.

Mr. FALL (after having voted in the negative). I have a pair with the senior Senator from West Virginia [Mr. CHILTON], but as I understand he would vote as I have already voted I will allow my vote to stand.

Mr. WALSH. I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Wisconsin [Mr. HUSTING] and vote "nay."

I wish to state that the Senator from West Virginia [Mr. CHILTON] is absent on account of serious illness in his family.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. WILLIAMS. Has the Senator from Pennsylvania [Mr. PENROSE] voted?

The PRESIDING OFFICER. He has not.

Mr. WILLIAMS. I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Florida [Mr. BRYAN] and vote "nay."

Mr. SMITH of Georgia (after having voted in the negative). I voted, although I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I desire to state that in leaving the Chamber he authorized me to vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN].

The yeas and nays resulted—yeas 11, nays 35, as follows:

YEAS—11.

Borah	Gronna	Lee, Md.	Smith, Mich.
Brandegee	Hitchcock	Martine, N. J.	Townsend
Cummins	Kenyon	Page	

NAYS—35.

Ashurst	Kern	Ransdell	Smith, S. C.
Bankhead	Kirby	Reed	Sterling
Broussard	Lea, Tenn.	Robinson	Stone
Fall	Martin, Va.	Shafroth	Thompson
Fletcher	Myers	Sheppard	Tillman
Hollis	Newlands	Sherman	Wadsworth
Hughes	Overman	Simmons	Walsh
James	Pittman	Smith, Ga.	Williams
Johnson, Me.	Polindexter	Smith, Md.	

NOT VOTING—50.

Beckham	Fernald	Lodge	Smith, Ariz.
Brady	Gallinger	McCumber	Smoot
Bryan	Goff	McLean	Sutherland
Catron	Gore	Nelson	Swanson
Chamberlain	Harding	Norris	Thomas
Chilton	Hardwick	O'Gorman	Underwood
Clapp	Husting	Oliver	Vardaman
Clark	Johnson, S. Dak.	Owen	Warren
Colt	Jones	Penrose	Watson
Culberson	La Follette	Phelan	Weeks
Curtis	Lane	Pomerene	Works
Dillingham	Lewis	Saulsbury	
du Pont	Lippitt	Shields	

The PRESIDING OFFICER. The Chair counts as present and not voting Senators THOMAS, CURTIS, CATRON, VARDAMAN, and JONES and declares that the amendment is rejected. The parliamentary situation as the Chair understands it is that the bill before the Senate is Senate bill 8148, which has been reported from the Judiciary Committee with an amendment by the Senator from North Carolina to substitute certain chapters for the amendment offered by the committee. The question is on the substitution as amended.

Mr. CUMMINS. I offer the following amendment.

The PRESIDING OFFICER. It will be read.

The SECRETARY. After line 14, on page 24, at the end of section 8, add the following proviso:

Provided, That without the further authority of Congress such armed forces will not be used beyond the territorial limits of the United States to commit an act of war against a nation with which the United States is then at peace.

Mr. WALSH. I inquire of the Senator from Iowa whether if his amendment should be adopted declaring that the President should not by virtue of this section commit an act of war against a foreign nation beyond the territorial limits of the United States it would not by implication confer upon him the right to commit an act of war against a foreign nation within the territorial limits of the United States?

Mr. CUMMINS. Not by implication; but I would a great deal rather he would commit an act of war within the territorial limits than beyond. I think he is not nearly so apt to commit an act of war within the United States as without the United States, simply because it is more difficult to commit an act of war with the Army or the Navy within our own territory than it is to do the same thing beyond our territory. Within our own territory I assume that the civil authorities will ordinarily be sufficient to enforce the law. Beyond our territory the civil authorities are powerless and could not accomplish anything.

As I said the other day, Mr. President, I have some objections—although they would be unavailing here—to giving the President power to declare war. I have not a particle of doubt if there were attached to the bill a provision that the President should have the power to declare war, notwithstanding the constitutional inhibition, it would pass by almost a unanimous vote; such is the influence of the hysteria which I think is now filling the minds of the people.

Mr. OVERMAN. Mr. President—

Mr. CUMMINS. Just a moment. I can not yield just now. This authority is, within certain limits, the equivalent of authorizing the President to declare war, for it is authorizing him to do a thing which, being an act of war, must necessarily bring on war.

I gave this instance the other day: Suppose we had declared an embargo upon arms and munitions as against Canada. That has nothing to do with neutrality. This bill can not be termed a bill to enforce our neutrality or preserve our neutrality. It is a bill to enforce a policy of embargo. Assume that we had laid an embargo on arms and munitions and forbidden their exportation to Canada. Notwithstanding that, a carload of arms and munitions succeeds in passing over the border, and we know it to be in Montreal or in Quebec or in Toronto. The bill says to

the President of the United States he can take the Army and lead it across into the Dominion of Canada and retake the carload of arms which he may find there. It not only gives him authority to do it, but its direct implication is that he ought to do it.

Again, we have an embargo now—an authorized embargo—upon arms and munitions to be exported into Mexico. The President has the authority to raise or lower the embargo, I think, whenever he sees fit. Suppose that a carload of arms consigned to Carranza had gotten across the border, was nearing Chihuahua, destined to Carranza, contrary to the proclamation of the President. The bill gives the President the power to lead our Army into Mexico for the purpose of retaking that car of arms or munitions. Suppose that instead of passing over the border between our country and Mexico a ship sails away with arms and munitions that are contrary to the embargo and she is lying in the port of Vera Cruz; it gives the President the right to take our Navy and capture the ship in the port of Vera Cruz.

Suppose we had an embargo upon the exportation of arms and munitions applicable to Great Britain; if a ship containing arms and munitions be duly cleared from our ports is found finally in the port of Liverpool, it gives the President authority to take our Navy and retake the vessel in that port.

I am putting cases which may not happen; I do not know; it depends on the courage of the President; it depends on whether or not he wants to fight; and, I suppose, would depend, with any President, largely upon the strength of the nation against which our manifestation of force was directed. I suppose we could do that thing with impunity in some port of Nicaragua or Honduras or Colombia or Panama; and we do it all the time substantially, but we do not do it with regard to any great nation.

The Senator from Montana, in discussing this matter the other day, said very frankly that he did not want the President to do any of these things, and I think he challenged me at the time to find in the proposed law the warrant for my statement. I will try to do that now. Section 1 of chapter 9 provides:

SECTION 1. Whenever, under any authority vested in him by law, the President of the United States by proclamation, or otherwise, shall forbid the shipment or exportation of arms or munitions of war from the United States to any other country, or whenever there shall be good cause to believe that any arms or munitions of war are being, or are intended to be employed or exported in connection with a military expedition or enterprise forbidden by section 13 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," the several collectors, naval officers, surveyors and inspectors of customs, the marshals and deputy marshals of the United States, and every other person duly authorized for the purpose by the President may seize and detain any arms or munitions of war about to be so exported or employed—

If the words "or employed" were not in the section, I would be of the opinion that our power to seize did not continue after the act of exportation is complete; but inasmuch as we have said we may seize any arms or munitions exported contrary to the terms of the embargo that are to be employed in any foreign country, I take it for granted that, so far as the terms of the proposed statute are concerned, they extend to the forbidden arms and munitions in every country in the world—that is, in every country in the world to which the embargo applies—and that we can, if we desire so to do, reach out and take them, not only within our own territory, but in the territory of other countries as well.

Personally, I am opposed to giving the President the power to use the Navy in capturing a vessel on the high seas if it be an act of war to do it. I think we ought not to so far invade our exclusive authority to declare war as to give any officer the right in advance, by a general statute, to use our Navy in the capture of a vessel of a friendly nation, if to capture it would constitute an act of war.

For these reasons, Mr. President, I have offered the amendment.

Mr. WALSH. Mr. President, I should like to have the idea of the Senator from Iowa about that matter. Is it the idea of the Senator from Iowa that, if a vessel of a friendly power leaves a port in this country in violation of our law and if she is overhauled on the high seas by a vessel of our Navy and brought back, that that constitutes an act of war?

Mr. CUMMINS. I am not prepared to answer the question with all the breadth that the Senator has put into it, but if it is not an act of war, then my amendment does not forbid it. I think that very much would depend upon the circumstances under which the vessel left our harbor. If we had exercised our authority over it, had inspected it, and had given it clearance, and the boat had therefore lawfully left our waters, that because we might desire to reconsider our suggestion and we were to send a naval vessel after it, capture it, and bring it back—I am rather inclined to think it would be an act of war.

Mr. WALSH. It might be a cause for war, but it certainly would not be an act of war.

Mr. CUMMINS. Then, of course, my amendment does not apply to it; and the Senator from Montana can not object to the amendment on that ground, because I limit the exception to those uses of our armed forces which are acts of war against a nation with which we are then at peace.

Mr. WALSH. Mr. President, perhaps I ought not to invade the right of the chairman of the committee with respect to this matter; and I addressed myself to an amendment of this character a day or two ago; but I now object to the amendment offered by the Senator from Iowa, and for this reason: The language used in this bill is ancient; it is found in an act running away back to the year 1818 and in another act to which I called the attention of the Senate a few days ago, which dates away back to 1838, and was framed to meet much the same conditions as those cited as a possibility by the Senator from Iowa.

I object to the language now which says that nothing herein contained shall be deemed to entitle the President to do an act of war beyond the territorial waters of the United States. That, it seems to me, almost carries the necessary implication that he may commit an act of war within the territorial waters of the United States. I do not want to invest the President of the United States with the power to precipitate a condition of war even within the territorial waters of the United States, for I conceive that that is a power which the Constitution has reposed in Congress, and we can not, and we ought not, to repose it in the President of the United States.

Mr. CUMMINS. Mr. President, I do not desire to leave the amendment open to that implication; nor do I think that it would be; but, in order to satisfy any doubt upon that point, I ask that there be inserted in the amendment the words "either within or without the territorial limits of the United States."

Mr. WALSH. The language carries the implication necessarily. It reads:

That without the further authority of Congress such armed forces shall not be used beyond the territorial limits of the United States to commit an act of war against a nation with which the United States is at peace.

THE PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Iowa as he now modifies it.

The SECRETARY. On page 24, at the end of section 8, after the word "chapter," it is proposed to insert:

Provided, That without the further authority of Congress such armed forces shall not be used within or without the territorial limits of the United States to commit an act of war against a nation with which the United States is then at peace.

Mr. WADSWORTH. Mr. President, from a somewhat hasty consideration of the amendment offered by the Senator from Iowa, it appears to me that his amendment under certain circumstances would very seriously handicap and cripple the power, not of the President particularly, but of the United States, in enforcing its own statutes; and yet I have some sympathy with the contention made by the Senator from Iowa that under the language of the bill as it now stands, there is apparently no hindrance placed upon the President in the use of the Army and the Navy of the United States in performing, we will say, an act of violence in the harbor of a friendly country. I desire to suggest to the Senator from Iowa, and also for the consideration of the Senator from Montana, that perhaps the objection raised by the Senator from Iowa and the fears which some of us may have in connection with the arbitrary use of power by the Executive would be met or done away with, as the case may be, if the amendment offered by the Senator from Iowa should be changed in some respects, and in this respect particularly, so as to provide that the Army and the Navy shall not be used by the President within the territorial limits of a friendly power.

Mr. CUMMINS. That would accomplish a part of my purpose, of course.

Mr. WALSH. Mr. President, I would say to the Senator from New York that, in my estimation, it is entirely unnecessary to put such a provision as that in the bill, because it occurs to me that by no stretch of the rules of construction could it be deemed that such power was given to the President. Of course, if we followed any kind of a vessel within the territorial waters of the power to which it is attached, or of any other friendly power, and seized it by violence there, we would commit an act of war. It is impossible to conceive that we would pass a statute of that kind, and this bill could not receive a construction of that nature.

Moreover, Mr. President, that would be war, as a matter of course; and a statute extending power of that kind to the President would be beyond the Constitution; and perfectly plain

rules require that statutes be construed so that they shall be constitutional rather than unconstitutional.

In 1837 or 1838, when a great many people in this country talked about invading Canada, a law was passed authorizing the confiscation in this country of arms and ammunition that were intended for transport across the border, and the President was given the power to use the Army and the Navy to prevent the exportation of such arms and to seize them wherever they were found; but no one feared that that was intended to give the President the power to invade Canada; indeed, the very purpose of the act was to prevent anybody in this country from invading Canada. It was deemed that this language met all the necessities of the case as it is, and I do not think that the Senator from New York need have any apprehension upon that point at all.

Mr. WADSWORTH. Mr. President, perhaps the worst that could be said about my suggestion is that it is unnecessary, according to the opinion of the Senator from Montana [Mr. WALSH], for which I have a great deal of respect; yet the Senator from Iowa [Mr. CUMMINS] seems to think that this language would, by inference at least, give the President the right to use the Army and the Navy in any way he saw fit and anywhere he saw fit in order to carry out the provisions of the neutrality law of this country. I think if we search our history with a little diligence we will find instances where the President on more than one occasion has used the Army and the Navy to enforce either laws or policies in such a way as certainly to invade the neutral rights of nations with which we were at peace. It is not an unknown procedure; and it is one which I have regarded somewhat with disapproval.

Mr. CUMMINS. Mr. President, it must be remembered that this is not a neutrality statute. The chapter we are now considering has nothing to do with neutrality. It is, as I have often said, designed to enforce a policy which we may by legislation adopt, namely, the policy that the exportation of arms to a particular country shall be forbidden. It is only then that the President has the power to issue a proclamation which constitutes an embargo. The language used in section 8 is exactly the same as used in the old statutes of 1818 and 1838; but the thing for which the President may use the armed forces is entirely different, as I recall the statute quoted by the Senator from Montana on Saturday. At any rate, even if we once did give the President that power, I would be unwilling to give it to him again, or to any President under existing circumstances.

I may be unduly tenacious about the matter, but I have seen the power of the President abused; I have seen our Army and Navy used for unlawful purposes ever since I came into public life. I have seen it used constantly in such a way that had the poor victims of its use been able to resent the affront we would have been in constant war for the last 10 years and, I think, for a greater length of time.

I should like to begin to draw away that power and to intimate to the Executive Department that our forces ought not to be used under those circumstances. We are about to create an Army much more effective than we have ever had before; we are in the act of creating the largest navy in the world; we are about to do that; and I think we ought to be reasonably conservative with respect to the use of that immense weapon, which we have placed in the hands, and which the Constitution places in the hands, of the President of the United States.

Mr. FALL. Mr. President, when this country was unfortunate enough to be faced with war with Spain we had no law under which the President could prevent shipments of material or munitions of war or articles that might be used in war, although they might be employed by Spain against the United States. The Congress of the United States on April 22, 1898, had to meet that condition. There were foodstuffs, there were coal shipments particularly, as well as other shipments, which were leaving our harbors and going to the benefit of the country with which we were on the verge of war and with which on that very day, April 22, if I remember correctly, we did go to war by a declaration of war. We were not able to protect ourselves in that instance. That is an illustration of the cases that might be covered, whether intended to be covered or not, by section 1 of the chapter of the bill now under consideration. At that time the joint resolution passed by Congress was as follows:

Resolved, etc., That the President of the United States is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other material used in war from any seaport of the United States until otherwise ordered by the President or by Congress.

Now we will suppose that he did issue his proclamation and did prohibit such shipments, but that such shipments were nevertheless carried under the British flag, although they were intended

to be landed on the coast of Cuba or elsewhere, where they might fall into the hands of the country with which we were at war. They might go for the benefit of U boats, for instance, in some Cuban harbor, and we might be at war with that country, yet, because we were not at war with Cuba, we would not be allowed under the limitation now attempted to be fixed in the bill, to pursue with the naval forces those shipments which were really to be used against us; or if so, we would not be allowed to encroach upon Cuban sovereignty within her waters, or we would not be allowed to attack that ship if we could overcome it, because it happened to be flying the flag of some neutral country with which we were at peace.

This is the effect, as it strikes me, of just exactly such amendments as are proposed here. Now, sir, under our form of Government it is a fact that the President of the United States can commit such acts as may possibly precipitate a war on this country, and may therefore force upon Congress the necessity of going to war or of a declaration of war. That is the fault of our Government; and you can not remedy the constitutional faults, you can not remedy the weaknesses of a republican, representative system of government, by legislating from time to time in a piecemeal fashion of this kind. As it stands now, without any amendments, the act is intended to provide, and will provide, the President with authority which has been used now for five years, without any authority being vested in him by direct act of Congress, to prohibit the exportation of arms and munitions of war to Mexico, a country with which we are at peace.

President Taft ordered 20,000 of the military forces of the United States to be stretched along the border between the United States and Mexico to arrest, without a complaint, citizens of the United States pursuing their peaceful avocations, upon the theory that they might intend or might be able to violate the proclamation against the exportation of arms or munitions of war to a contiguous country with which the United States was at peace, under the act of March 14, 1912. Now, the forces of the United States have been used for that purpose without any authority. As it stands, the section is intended to give to the President the authority which he lacked but which he took. This administration has followed the example of President Taft and has kept those forces there, and they have been utilized in direct contravention, as I understand it, of the provisions of the Constitution of the United States guaranteeing the citizens in time of peace against illegal search and seizure. Nevertheless, it is one of the necessities of preserving peace and carrying out our American policy here on this hemisphere. We have done it. We have been obliged to do similar things heretofore. Just as in the case of Vandalia, we have been forced to do things by usurpation of power because some man here, forsooth, was afraid to vest in the President of the United States the legal authority to do those things which are absolutely necessary to preserve the peace and save the Nation when its very life is at stake.

This I regard as one of those acts or investments of power necessary to enable us to keep the peace. This country, so long as it undertakes to maintain its position as a neutral, owes a duty to itself and owes a duty to the belligerent nations of the world. It owes an affirmative duty to each of the belligerent nations. That duty is to see that one of them does not receive military assistance by any act of the Government of the United States; that no military expedition is recruited upon our shores for the purpose of aiding Great Britain upon the one hand, or Germany upon the other, to come down to a concrete illustration. That illegal armed expedition may be either by the outfitting of a naval vessel, by the shipping of arms and munitions in a vessel which of itself is not of a warlike character, or it might be by the outfitting of a land expedition, or by allowing shipments to be sent into Canada or elsewhere illegally, against the proclamation of the President of the United States, to be used by soldiers or people enlisted under contract to go into Canada and avail themselves of those arms and become incorporated into the Canadian Army. Would not that be in absolute violation of the attitude of neutrality? Because neutrality is an attitude. It is not a law, nor is it a duty. The United States, at any time that it pleases, can declare that it is no longer a neutral country, or it can by its acts show that it is no longer a neutral country; and when it does it takes the responsibility of such declaration or of such act upon itself, and that responsibility generally is being faced by the armed forces of the other country.

So long as we undertake to maintain neutrality, however, we owe a duty; and in the event that under the circumstances mentioned by the Senator from Iowa we did not with our military forces pursue that expedition across into Canada, while it might be treated by Great Britain as an act of war if we did, it would

certainly be treated by Germany as an act of war if we did not pursue them.

It is sometimes difficult to maintain neutrality. We have found it exceedingly so. We have been criticised by every nation in the world and have become, possibly, in the eyes of those nations, enemies because we have attempted, under the direction of the President of the United States, to maintain neutrality between the two. If we propose to maintain that attitude, we have then assumed a duty; and if we do not carry it out, even at the expense of facing another nation with arms in our hands—if we do not carry it out at any cost, even at the cost of committing an act of war—then we give the nation with whom that nation is at war just cause for a declaration of war against us.

You can not assume all the benefits of neutrality, you can not pay off four billions and a half of your indebtedness to the foreign nations of the world, you can not become the richest nation on the face of the globe to-day, you can not reap all these benefits of neutrality, without being called upon to face the consequences of an unneutral act. To my mind, sir, in the event it becomes necessary for the President of the United States to preserve neutrality by committing an act of war, that power should be absolutely vested in him. Just as I pointed out a day or two ago when this matter was up, other Presidents of the United States have often been called upon, in enforcing our own laws, in compliance with our constitutional duty to our own citizens, to commit acts of war against a foreign country which were not in themselves causes of war, even although we went to the extent of taking the lives of foreign citizens upon foreign soil. But in this case, while we still leave the President the power to bombard Vera Cruz for the purpose of requiring reparation for an insult to the flag, or to blow Greytown into the harbor because of wrongs suffered by American citizens, reparation for which was not granted, we propose to shear him of the power to use the land and naval forces of the United States to preserve the neutrality of this country and to keep it out of war!

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

The amendment was rejected.

The PRESIDING OFFICER. The question now is on the substitute offered by the Senator from North Carolina, as amended.

Mr. CUMMINS. Mr. President, I do not intend to offer further amendments. There are two or three that I think ought to be offered, probably; but the disposition of the Senate is perfectly well known, and I do not desire to prolong the matter by offering them. Those I have offered present my view of what the statute should be, and I have offered them mainly because I did not want to be hereafter accused of participation in a measure which I think invades and overthrows the fundamental rights of American citizens.

There are many of these chapters for which I would gladly vote, which command my approval. I think that may be said of the greater number of the chapters which compose the substitute offered by the Senator from North Carolina, and if I had an opportunity to vote for them separated from the first chapter I would have no hesitation in doing so. But I regard the first chapter of the substitute as so destructive of everything that the American people have hitherto held dear and necessary to the security of free institutions that it is impossible for me to vote for the substitute with that chapter in it.

I say so much because I want the Record to contain my explanation of the vote that I shall cast. If I can secure it, I intend to have a roll call upon the bill, and I shall not further prolong the debate.

The PRESIDING OFFICER. The question is on the substitute offered by the Senator from North Carolina, as amended. The substitute as amended was agreed to.

The PRESIDING OFFICER. The question now is on the committee amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. OVERMAN. Mr. President, I want to say to the Senator from Iowa that we probably can not get a quorum to-night. I do not know. Would there be any objection to granting unanimous consent to have a roll call—

Mr. FLETCHER. Let us finish the bill to-night. We can get a quorum.

Mr. OVERMAN. I was trying to get an arrangement with the Senator—

Mr. FLETCHER. If you can not get a quorum now, you will not get it at all.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment. If there be no further amendment to be proposed the question is, Shall the bill be engrossed and read a third time?

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. CUMMINS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES (when his name was called). In the absence of the junior Senator from Virginia [Mr. SWANSON] for the reason stated on the former vote I withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the senior Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. SMITH of Georgia (when his name was called). Again announcing my pair with the senior Senator from Massachusetts [Mr. LODGE] and the further fact that he authorized me in his absence to vote upon this measure, I vote "yea."

Mr. SMITH of Maryland (when his name was called). Making the same transfer as on the last vote, I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. THOMAS (when his name was called). In the absence of my pair I withhold my vote. I wish to be counted for a quorum.

Mr. VARDAMAN (when his name was called). I have a pair with the junior Senator from Idaho [Mr. BRADY]. In his absence I withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Wisconsin [Mr. HUSTING] and vote "yea."

I wish to announce that the Senator from West Virginia [Mr. CHILTON] has been called from the Chamber by reason of illness in his family.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Florida [Mr. BRYAN] and vote "yea."

Mr. VARDAMAN. I wish to announce the unavoidable absence of the Senator from Tennessee [Mr. SHIELDS] on account of illness.

Mr. WADSWORTH. I was requested to announce that the senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably detained from the Senate.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator, which I transfer to the Senator from Tennessee [Mr. LEA], and I vote "yea."

Mr. OVERMAN (after having voted in the affirmative). I desire to announce my pair with the Senator from Wyoming [Mr. WARREN] and the transfer of that pair to the Senator from Tennessee [Mr. SHIELDS]. I will let my vote stand.

Mr. VARDAMAN. I desire to transfer my pair with the Senator from Idaho [Mr. BRADY] to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. WADSWORTH. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON].

Mr. REED. I ask that the bell be again rung and that the absentees be called before the vote is announced.

The PRESIDING OFFICER. The Chair understands that the vote will have to be announced first.

Mr. REED. Then no quorum will appear.

The PRESIDING OFFICER. When the roll is to be called for a quorum the bell will be rung.

Mr. REED. I do not think I made myself understood, or else there is some rule I do not know. We are now engaged in taking a vote. Of course, if any Senator here desired he could demand the immediate announcement of the vote, but, in the absence of that, I see no reason why we could not have the roll of absentees called. If we could do that by unanimous consent, it might save wasting two or three hours with this bill; that is all.

Mr. JONES. Let the vote be announced.

Mr. SHAFROTH. I ask that the vote be verified.

Mr. REED. If the vote is announced, of course it will not show a quorum.

The Secretary recapitulated the vote.

Mr. THOMAS. I ask to be recorded as present.

The yeas and nays resulted—yeas 27, nays 5, as follows:

YEAS—27.			
Ashurst	Johnson, S. Dak.	Ransdell	Smith, Md.
Bankhead	Kirby	Reed	Smith, S. C.
Fall	Martine, N. J.	Robinson	Thompson
Fletcher	Myers	Shafroth	Wadsworth
Hitchcock	Nelson	Sheppard	Walsh
Hollis	Newlands	Simmons	Williams
Hughes	Overman	Smith, Ga.	
NAYS—5.			
Cummins	La Follette	Lee, Md.	Vardaman
Kenyon			
NOT VOTING—64.			
Beckham	Fernald	Lodge	Shields
Borah	Gallinger	McCumber	Smith, Ariz.
Brady	Goff	McLean	Smith, Mich.
Brandeggee	Gore	Martin, Va.	Smoot
Broussard	Gronna	Norris	Sterling
Bryan	Harding	O'Gorman	Stone
Catron	Hardwick	Oliver	Sutherland
Chamberlain	Husting	Owen	Swanson
Chilton	James	Page	Thomas
Clapp	Johnson, Me.	Penrose	Tillman
Clark	Jones	Phelan	Townsend
Colt	Kern	Pittman	Underwood
Culberson	Lane	Polindexter	Warren
Curtis	Lea, Tenn.	Pomerene	Watson
Dillingham	Lewis	Saulsbury	Weeks
du Pont	Lippitt	Sherman	Works

The PRESIDING OFFICER. On the final passage of the bill the yeas are 27 and the nays are 5. No quorum has voted.

Mr. OVERMAN. I ask that the absentees be called.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. CUMMINS. I rise to a point of order. On the call that was had a quorum was not developed. It seems to me that the roll ought to be called of the absentees and allow those who come in to vote upon the question.

The PRESIDING OFFICER. Opportunity was given for every Senator to vote who addressed the Chair, and the rule requires that when the absence of a quorum is developed the roll shall be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Ransdell	Stone
Bankhead	Kenyon	Reed	Thomas
Cummins	Kirby	Robinson	Thompson
Fall	Lee, Md.	Shafroth	Vardaman
Fletcher	Martine, N. J.	Sheppard	Wadsworth
Hitchcock	Myers	Simmons	Walsh
Hollis	Nelson	Smith, Ga.	
Hughes	Newlands	Smith, Md.	
Johnson, S. Dak.	Overman	Smith, S. C.	

The PRESIDING OFFICER. Thirty-three Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators and Mr. WILLIAMS answered to his name when called.

Mr. BROUSSARD entered the Chamber and answered to his name.

The PRESIDING OFFICER. Thirty-five Senators have answered to their names. There is not a quorum present.

Mr. REED. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. VARDAMAN. I wish to announce that the junior Senator from Tennessee [Mr. SHIELDS] is confined to his home by illness.

Mr. REED. I desire to state that the senior Senator from Oklahoma [Mr. GORE] is confined to his room by illness, and has been for some weeks. I make this announcement so that there may be a full understanding not only of his absence to-day but for many days past.

Mr. FALL. If the announcement has not been made, I desire now to make the announcement that my pair, the senior Sen-

ator from West Virginia [Mr. CHILTON], has been called home by illness in his family, and for that reason he is not present.

Mr. FLETCHER. Mr. President, I know that no business is in order. I think we ought to procure the attendance of absent Senators and we ought to proceed with the business of the Senate. It will be very near impossible to get through with the business necessary to be transacted at this session unless we have night sessions, and we might as well understand it and begin to-night. I am very much interested particularly in the river and harbor bill, and I hope to call up that measure at the very first opportunity.

Mr. KENYON. Mr. President, I make the point of order that no business is in order.

The PRESIDING OFFICER. The point of order is sustained. No business is in order.

Mr. WALSH. If it is in order, I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is absent from the Senate on account of illness.

The PRESIDING OFFICER. Announcements of that kind are in order.

Mr. KENYON (at 7 o'clock and 25 minutes p. m.). I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate adjourn. The question is on that motion.

Mr. SIMMONS. Mr. President—

Mr. KENYON. I will withdraw the motion if the Senator from North Carolina objects.

Mr. SIMMONS. I am communicating now with my colleague [Mr. OVERMAN] in reference to this matter, and I ask the Senator to withhold his motion.

Mr. KENYON. I withdraw the motion, but I shall renew it in a little while.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MARTINE of New Jersey (at 7 o'clock and 30 minutes p. m.). Mr. President, it seems to me it is quite evident that we shall not be able to get a quorum, and it is rather foolish for us to sit here longer to-night, after all we have done during the day.

Mr. SIMMONS. Will not the Senator withhold his motion to adjourn until I can hear from the junior Senator from North Carolina [Mr. OVERMAN], who has charge of this measure? He will be here in a few moments. I think it is an act of courtesy that is due him.

Mr. MARTINE of New Jersey. I should like to show all reasonable deference to the Senator in charge of the bill, but he doubtless has gone away and is having his dinner, and in the meantime we are staying here without ours.

Mr. SIMMONS. I am sure that the Senator will be in the Chamber in a few moments. He is on his way here now.

Mr. MARTINE of New Jersey. Very well, I will bide my peace for awhile.

Mr. CURTIS and Mr. LEA of Tennessee entered the Chamber and answered to their names.

Mr. OVERMAN. Mr. President, I move that when the Senate adjourns it adjourn to meet at half past 10 o'clock to-morrow morning.

The PRESIDING OFFICER. The Senator from North Carolina moves that when the Senate adjourns it adjourn to meet at half past 10 o'clock to-morrow morning. Those in favor of the motion will say "aye"; contrary-minded, "no." The "ayes" have it, and the motion is agreed to.

Mr. MARTINE of New Jersey. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 20, 1917, at 10.30 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, February 19, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and Everliving God, our Heavenly Father, let Thy spirit come mightily upon us, we beseech Thee, to quicken our minds and enlarge our scope of vision, to strengthen our faith and inspire larger hope and nobler aspirations; that we may make for righteousness in all the conditions of life, doing justly, loving mercy, walking humbly with Thee, our God and our Father. In His name. Amen.

The Journal of the proceedings of Saturday, February 17, was read and approved.

EXTENSION OF REMARKS.

Mr. WALSH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. To ask unanimous consent to extend my remarks in the RECORD by inserting a letter from my predecessor in Congress, setting forth certain resolutions adopted by his home town on Cape Cod.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

YARMOUTHPORT, MASS., February 16, 1917.

HON. JOSEPH WALSH,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I beg to advise you that at the annual town meeting of Yarmouth, held on February 13, the following resolutions were unanimously adopted:

"Resolved, That we, citizens of the town of Yarmouth, Mass., in town meeting assembled, indorse the action of the President of the United States of America in severing diplomatic relations with Germany.

"Resolved, That we, loyal citizens of the old town of Yarmouth, pledge to our President our undivided support in any course necessary to protect our flag and our citizens and maintain the rights of our country."

Former Congressman Thomas C. Thacher, chairman of committee; William N. Stetson, representative in Massachusetts House of Representatives; and T. W. Swift.

Faithfully, yours,

THOMAS C. THACHER.

JOURNAL OF SUNDAY, FEBRUARY 18.

The record of the Journal of Sunday, February 18, 1917, was read and approved.

LEAVE TO ADDRESS THE HOUSE.

Mr. TOWNER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that on next Thursday, Washington's birthday, after the reading of the Journal and the reading of Washington's Farewell Address by the gentleman from West Virginia [Mr. NEELY] I be permitted to address the House for 30 minutes.

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent that on next Thursday after the reading of Washington's Farewell Address he be permitted to address the House not exceeding 30 minutes. Is there objection?

Mr. SHERLEY. Reserving the right to object, it is not pleasant to object to this sort of a request. We have reached a point in the time of this session where we want to finish the work of Congress, and we will have to refrain from even taking 30 minutes on any day in the discussion of matters not relating to the business of Congress.

Mr. MANN. This is on the subject of Washington, not extraneous matter.

Mr. SHERLEY. I shall not object to this case to-day, with the understanding that it is just an address touching Washington's life. I do not want to open up a lot of discussion that may serve to waste a good deal of time.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. TOWNER]? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent for the extension of my remarks in the RECORD by printing a number of telegrams, letters, and resolutions that I have received relative to the pending international situation.

The SPEAKER. The gentleman from Pennsylvania [Mr. BAILEY] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. O'SHAUNESSY. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an editorial from the Providence Journal entitled "Mr. Moore on the press."

The SPEAKER. The gentleman from Rhode Island asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The following is the editorial referred to:

MR. MOORE ON THE PRESS.

Representative J. HAMPTON MOORE, of the third Pennsylvania district, a seasoned self-advertiser, has taken occasion twice within the last few days on the floor of the House to attack the press of the United States.

On Tuesday he quoted a series of charges by Representative CALLAWAY, of Texas, which were, in substance, that 25 prominent American newspapers have been paid by influential interests to advocate preparedness, and vehemently declared: "I want no dictation from Lloyd George, any more than from the Kaiser. I want no dictation from Lord Northcliffe, the head of the great newspaper fraternity of Great Britain and certain alliances in the United States, any more than from